

URBAN/MUNICIPAL
CA4 ON HBL A05
C51P4
1998

AGENDAS
PLANNING & DEVELOPMENT
COMMITTEE

AUG. 5, 1998 ...

URBAN/MUNICIPAL

CAY ON HBL AOS

CSIPY

1998



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF SPECIAL MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 August 5

9:30 o'clock a.m.

Room 233, City Hall

URBAN MUNICIPAL

JUL 31 1998

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

A G E N D A

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-02, by Hussein Ghaddar, prospective owner, for a further modification to the "H" District, for lands located at 649 Upper James Street.

Submission: (a) Connie and Jan Bier, 33 Fennell Avenue East #305, Hamilton.

2. Zoning Application 98-21, by 1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharman), prospective owner, for a modification to the established "C" District for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line.

Submission: (a) Ronald Jaffray, 568 Hager Avenue, Burlington, L7S 1P5

3. Zoning Application 98-23 and Official Plan Amendment by FDJ Holdings Inc., owner, for lands located south of Barton Street East, west of Centennial Parkway and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East.

Submission: (a) Truman Jess, President, Truwan Holdings Limited, 163 Centennial Parkway North, Suite 401, Hamilton L8E 1H8

**PLANNING AND DEVELOPMENT COMMITTEE
SPECIAL MEETING - 1998 AUGUST 5
REGULAR AGENDA**

Page 2

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. Zoning Application 98-20, by Hampshire Properties, owner, for a change in zoning from "C" District to "R-4" (Block "1") and "R-4" District modified (Block "2") for lands located north of Stone Church Road East and east of Upper James Street.

Submissions: (a) Robert C. and Mary Lou Dickson, 111 Stone Church Road East,
Hamilton L9B 1A8

(b) John D. Thornton, 27 Stone Church Road East, Hamilton
L9B 1A8

5. Downtown Hamilton Community Improvement Plan Amendments - Downtown Loan/Grant Programs.

6. Amendments to Community Improvement Plans to Implement Revised Criteria to the Commercial Property Improvement Loan Program.

7. **DIRECTOR OF PLANNING AND DEVELOPMENT**

Urban Entertainment Centre - Proposal Review Process

8. **CONSENT AGENDA**

9. **ADJOURNMENT**

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 July 24
Centremount Neighbourhood
ZAC-98-02

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for a further modification in zoning - 649 Upper James Street

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-98-02, 1135193 Ontario Inc. (Hussein Ghaddar), prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified and "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "2") to permit additional commercial uses, for property located at 649 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the amending by-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District the holding provision will prohibit the development of the subject lands until such time as the owner submits a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provision as stipulated in this By-law, by enactment of an amending

By-law once the condition is fulfilled;

- (ii) That Block "1" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District;
- (iii) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District;
- (iv) That the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified as follows:
 - 1) That notwithstanding Section 14(1) of Zoning By-law No. 6593, a restaurant will not be permitted;
 - 2) A minimum 1.5 m wide planting strip shall be provided and maintained along the southerly lot line except for an access driveway;
 - 3) A minimum 3.0 m wide planting strip shall be provided and maintained along the westerly lot line except for an access driveway;"
- (v) That the amending By-law be added to Section 19B of Zoning By-law No. 6598 as Section S- , and that the subject lands on Zoning District Map E-7 be notated S- ;
- (vi) That By-law No. 70-42, applicable to the subject lands be repealed;
- (vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-7 for presentation to City Council; and,
- (viii) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "1"), and from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "2"), for lands located at 649 Upper James Street.

The effect of the By-law is to permit a range of commercial uses, with the following variances as special requirements:

- a restaurant will be prohibited;
- require a minimum 1.5 m wide planting strip to be provided and maintained along the southerly lot line except for an access driveway; and,
- require a minimum 3.0 m wide planting strip to be provided and maintained along the westerly lot line except for an access driveway.

In addition, the amending by-law establishes the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, on the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as the owner submits a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provisions as stipulated in this By-law, by enactment of amending By-law once the condition is fulfilled.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- ## Proposal

The applicant is proposing to redevelop a former service station with a small neighbourhood plaza (approximately 360 m²) with a limited range of commercial uses including convenience store, video rental store, submarine shop, dry cleaners, offices and medical offices (see attached APPENDIX "B").

- By-law No. 70-42

City Council, on February 10, 1972, passed By-law No. 70-42 which rezoned Block "1" from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping

and Commercial, etc.) District, and modified the "H" District provisions applicable to the entire property to permit only: "a use which is normally and customarily incidental, subordinate and exclusively devoted to the principle use, ... an automobile service station is presently established."

APPLICANT:

1136193 Ontario Inc. (Hussein Ghaddar)

LOT SIZE AND AREA:

The subject lands have:

- . a frontage of 38.8 m (127.3 feet) on Fennell Avenue;
- . a frontage of 22.31 m (100 feet) on Upper James Street; and,
- . a lot area of 865.2 m² (9,313.7 square feet) approximately.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant (former service station)	"H" (Community Shopping and Commercial, etc.) District, modified
<u>Surrounding Lands</u>		
to the north and west	Commercial	"H" (Community Shopping and Commercial, etc.) District
to the east	Apartment building	"E" (Multiple Dwellings, Lodges, Clubs, etc.) District
to the south	Commercial (Mountain Plaza)	"G-1" (Designed Shopping Centre) District, modified

OFFICIAL PLAN:

The subject lands are designated "Commercial" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others, apply:

"A.2.2.1 The primary uses permitted in the areas exceeding .4 hectare designated on

Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities.

A.2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,

A.2.2.34 COMMERCIAL establishments or centres that are proposed adjacent to existing COMMERCIAL USES will be encouraged to integrate the design and dimension of structure, parking areas and access points with those of adjacent uses.

A.2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:

- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
- ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses; and,
- iii) Light standards will be of a height that is in scale with the facility, but will not be of a height sufficient to create a nuisance to adjacent land uses.

A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.

A.2.2.37 In addition to the provisions of Subsection B.3.3 of this Plan, adequate parking and loading space will be required in clearly defined areas for all development and redevelopment within the COMMERCIAL designation and will include adequate space for owners, employees, customers and delivery vehicles. Council will require that, in all normal circumstances, a high standard of parking and loading facilities will be maintained in accordance with current practices. (O.P.A. No.46)

- A.2.2.40 Where possible, loading facilities and parking space for delivery vehicles will be located, buffered and screened, so as to minimize adverse impacts on adjacent Residential Uses."

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

There is no approved Neighbourhood Plan for Centremount Neighbourhood.

COMMENTS RECEIVED:

- The Hamilton Region Conservation Authority has no objection.
- The Regional Environment Department (Development Engineering Section) advises:
 - "1. Although the specific cross section of this section of Upper James Street has not been determined, it is anticipated that Upper James Street will be widened to a full five lane cross section with two through lanes in each direction and a centre dual left turn lane. In order to construct this cross section, we require as a condition of development approval that a strip of land adjacent to Upper James Street, varying from a width of 3.5 m to 5.0 m, as shown on the attached plan, be dedicated to the Region for road widening purposes.
 2. The designated road allowance width of Fennell Avenue is 26.21m. The applicant/owner has requested the Region to reduce the road widening requirement on Fennell Avenue in an effort to sustain a viable development lot, therefore we require as a condition of development approval that a strip of land 1.5 m in width adjacent to Fennell Avenue be dedicated to the Region for road widening purposes.
 3. As a condition of development approval we require that a 6.0 m x 6.0 m daylight triangle (reduced from 12.19 m x 12.19 m at the request of the applicant/owner), taken from the widened limits of Upper James Street and Fennell Avenue, be dedicated to the Region for road widening purposes.
 4. We require that the applicant/owner provide the Region of Hamilton-Wentworth with a certificate of soil quality which states that the lands to be dedicated to the Region for road widening purposes complies with the Interim Guidelines for the Assessment and Management of Petroleum Contaminated Sites in Ontario. Any costs for this soil clean-up, if required, are the sole responsibility of the

applicant/owner. We require that the certificate of soil quality, as per the guidelines of the Ministry of the Environment, be completed and delivered to our Office prior to the issuance of the first Building Permit for this development.

5. All setbacks for structures, buildings, signs, light standards, landscaping, parking and manoeuvring areas, etc. must be taken from the widened limits of Upper James Street, Fennell Avenue and the daylight triangle. We recommend that these lands be developed through site plan control to ensure that our concerns are addressed.
6. There are four accesses to the site, however, the applicant/owner is proposing to close one access on each roadway. Access to the subject lands from the remaining driveways will be restricted to right turn in and right turn out only onto Upper James Street and Fennell Avenue and neither this Department or the City of Hamilton Department of Public Works and Traffic would support any modifications to the Traffic islands on either Upper James Street or Fennell Avenue which would provide all-directional access to the site.
7. We require 5.0 m x 5.0 m visibility triangles between the access to Upper James Street and Fennell Avenue and the widened road allowance limits in which the maximum height of any objects of mature vegetation (excluding existing trees) should not exceed a height of 0.60 m above the corresponding perpendicular centreline elevations of the adjacent streets.
8. Any fences along the property lines should be set back a minimum of 3.0 m (prefer 5.0 m) from the widened road allowance limits of Upper James Street and Fennell Avenue.
9. Any works which may occur within the Fennell Avenue road allowance, as widened, the Upper James Street road allowance, as widened, and the daylight triangle, as widened, must conform to the Region of Hamilton-Wentworth Road Use By-law."

The Department of Public Works and Traffic has advised that:

"We have no objection to the further modification in zoning to permit a variety of commercial uses subject to the development being placed under site plan control in order to ensure that adequate parking, circulation and access is provided. The applicant should be advised that access will continue to be limited to right turns in and out from both Fennell Avenue and Upper James Street.

It should also be noted that through the Site Plan Approval and the Driveway Approach Approval process all closed driveways are to be removed and sidewalks restored."

In response to a revised concept plan, the following comments were received:

"It is our understanding that the Roads Department will be recommending the dedication of road widenings on both Fennell Avenue and Upper James Street and a 9.0 m daylight visibility triangle. This will require a further setback of the manoeuvring and parking area and in turn reduce the size of the building envelope.

The applicant should be advised that access will continue to be limited to right turns in and out from both Fennell Avenue and Upper James Street. It should also be noted that through the Site Plan Approval and the Driveway Approach Approval process, any closed driveways are to be removed and sidewalks restored.

Although a loading space and garbage facilities are not required by the Zoning By-law for this development, we recommend that the applicant consider providing some type of loading area and space for a garbage enclosure."

In response to a further revised concept plan (see APPENDIX "B" attached), the Traffic Department advised it was acceptable subject to Site Plan Control and Driveway Approach Approval processes.

The Building Department has advised that:

- "1. It appears that the applicant does not wish to continue the only permitted use of an automobile service station. The request to permit the commercial uses of a convenience store, video rental store, a restaurant, a drycleaner, offices and a medical clinic could be accomplished by repealing the appropriate sections of amending By-law 70-42 which pertains to the restriction of uses. All of the above mentioned commercial uses are permitted in the "H" District subject to restrictions with respect to non-inflammable solvents for the proposed drycleaner use and subject to the additional requirements of Section 18A (36) of Zoning By-law 6593 for restaurants in the "H" District.
2. Our records indicate that the land is vacant and no site plan or parking layout for the proposed development has been submitted in order to determine compliance.
3. The following yards must be provided regardless of which street is chosen as the front yard:
 - minimum front yard depth of 3.0m
 - minimum side yard width of 1.5m
 - minimum rear yard depth of 4.5m."

In response to a revised concept plan, the following comments were received:

- "1. It is assumed that the proposed uses remain the same as the uses mentioned in "Comment #1" of this Department's letter dated February 23, 1998.
2. If this property is intended to be developed as a shopping centre (more than one tenant), then the retail space as shown with a gross floor area of 3940 square feet does not require any parking and or loading. All parking or loading that is provided, although not required, must still conform to Section 18A of Zoning By-law 6593.
3. The proposed use of a restaurant (with or without seating) requires the following:
 - a) the driveway and parking area must be at least 12.0m distant from the easterly and northerly lot line where the abutting district is residential;
 - b) the points of ingress and egress at the lot line must be at least 30.0m distant from the easterly and northerly lot line where the abutting district is residential.
 - c) a 1.5m wide landscaped area must be provided for along both street lines.

None of the above requirements are provided.

4. Depending on the street chosen to be the front lot lines, either an insufficient side yard width or an insufficient rear yard depth is proposed as specified in "Comment #3) of this Department's letter dated February 24, 1998.
5. The access driveway must be at least 3.0m distant from the easterly lot line.
6. The 1.5m wide landscaped area shown between the parking area and the boundary of the residential district to the east must be a planting strip.
7. The minimum required width of the access driveways is 5.5m."

In response to a further revised plan (see APPENDIX "B" attached), the following comments were received:

- "1. If there are no changes to the proposed uses as mentioned in "Comment #1", of this Department's letter dated February 24, 1998, then our comments regarding use of the building remain the same as those made at that time.
2. It is assumed that the proposed retail building is one storey in building height.
3. It appears that the lot line adjacent to Upper James Street has been chosen to be the front lot line.

4. The lot lines which are recognized by this Department are those that will be created after the road widenings are taken.
5. The parallel parking spaces shown along the easterly lot line must be at least 3.0m from the lot line adjacent to Fennell Avenue (18A(11)(b)).
6. The 1.5m high visual barrier along the boundary of the lot abutting the residential district is required to be provided along the entire length of the parking area (18A(12)(c)).
7. The minimum required width of the access driveway is 5.5m (18A(24)).
8. The access driveway must be at least 3.0m distant from the easterly lot line if no restaurant use is provided within the building (18A(26)).
9. The parking area and access driveway must be paved, graded and drained (18A(30)).
10. A restaurant use requires the following:
 - a) the driveway and parking area must be at least 12.0m distant from the easterly and northerly lot lines where the abutting district is residential;
 - b) a 1.5m wide landscaped area must be provided for the parking area (parking spaces and manoeuvring spaces) along both street lines;
 - c) the points of ingress and egress at the lot line must be at least 30.0m distant from the easterly and northerly lot lines where the abutting district is residential (18A(36)).

The Regional Environment Department (Planning) has advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" and "High Density Mixed-use corridors", in the Hamilton-Wentworth Official Plan (H.W.O.P.).

The subject lands contained a former gas station, where potential exists of site contamination. Since new development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the H.W.O.P. (Policies attached).

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the subject lands requires further demonstration of how it has regard for

the following PPS policies:

3 Public Health and Safety

3.2 Human-made Hazards

- 3.2.2 Contaminated sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, approval of the proposal should be conditional upon the following:

- 1) Submission of a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE."

COMMENTS:

1. The proposal complies with the Official Plan.
2. By-law No. 70-42 rezoned Block "1" from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" (Community Shopping and Commercial, etc.) District and modified the "H" District provisions for Blocks "1" and "2" to limit the use of the site for a automobile service station only. The subject application was submitted on the basis of permitted additional commercial uses including: a convenience store, video rental store, dry cleaners, offices and medical offices and a submarine shop. Since these uses are permitted as of right in the "H" District, it is appropriate to repeal By-law No. 70-42. In so doing, the amending by-law will have to rezone Block "1" from "E" District to "H" District.
3. The amended proposal has merit and can be supported on the following basis:
 - . it complies with the Official Plan;
 - . it is an appropriate re-use of a former gas station site to uses which will be more compatible with adjacent residential uses;
 - . it is appropriately located at the intersection of two major arterials and, in this regard the proposed zoning is consistent with the commercial zoning at this intersection.
4. The Regional Environment Department advises that the subject lands were a former gas station, where potential exists for site contamination. The proposal must conform to the Regional Official Plan and Provincial Policy regarding contaminated sites and their remediation. On this basis, it is recommended that approval be conditional on the

submission of a signed Record of Site Condition (RSC) to the Region and The Ministry of Environment (MOE), to the satisfaction of the Region, and including acknowledgement of receipt of the RSC by the MOE. The City may remove the 'H' symbol, and thereby give effect to the appropriate district provisions of the by-law, by enactment of an amending by-law, once the condition is fulfilled.

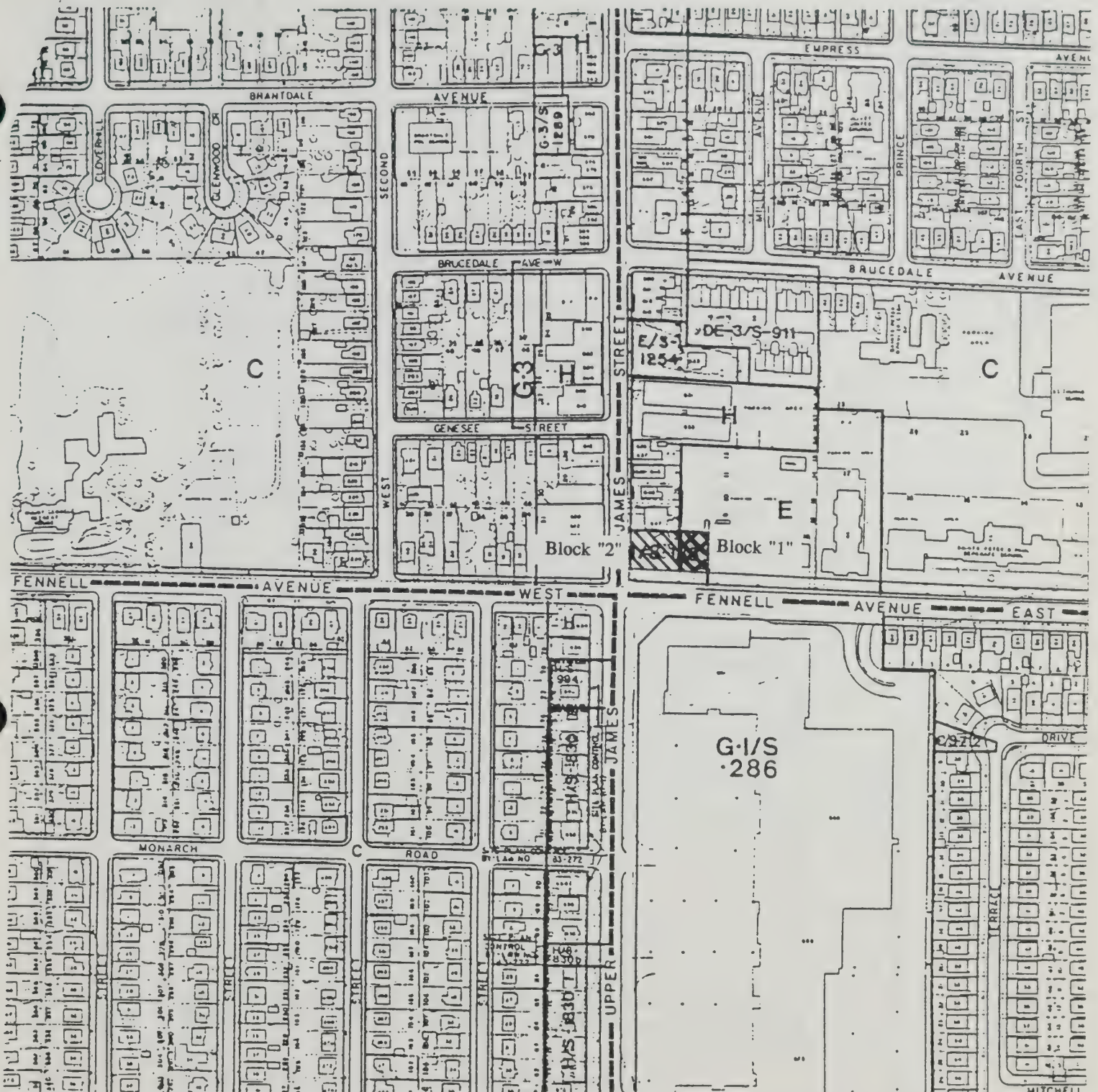
5. The Building Department notes that proposed concept plan (see attached APPENDIX "B") cannot meet the requirements of the by-law for a restaurant use. The applicant has indicated his intent is to develop the land for convenience store only. On this basis, the amended by-law should include a variance to prohibit a restaurant use (submarine shop).
6. Considerable discussion between the Region Transportation Department, Public Works and Traffic, and the applicant has resulted in a revised concept plan (see APPENDIX "B" attached). This plan proposed to reduce the number of access points from the existing four to two (one for the each road frontage), suitable parking layout, provides adequate on-site manoeuvring space and loading space. The Building Department has also noted that a 1.5 m planting strip and a 1.5 m visual barrier are required adjacent to a residential district. Since the subject lands are under Site Plan Control, other matters including grading, drainage, elevation and landscaping can be dealt with at that time.

Further, to enhance the appearance of this corner, variances should be introduced to provide for a minimum 1.5 m planting strip along the Fennell Avenue frontage and a minimum 3.0 m planting strip along the Upper James Street front, except for access driveways.

7. The applicant requested the Region to reduce the road widening requirement on Fennell Avenue in an effort to sustain a viable development lot. In this regard, the road widening requirement, which will be required as part of Site Plan approval is reduced from 3.048 m to 1.5 m. On a similar request, the Region agreed to a reduction of the daylight triangle of 12.19 m by 12.19 m to 6 m by 6 m.

CONCLUSION:

Based on the foregoing, the application can be supported.



Legend



Block "1" - Change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District



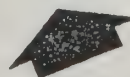
Block "2" - Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
January, 1998

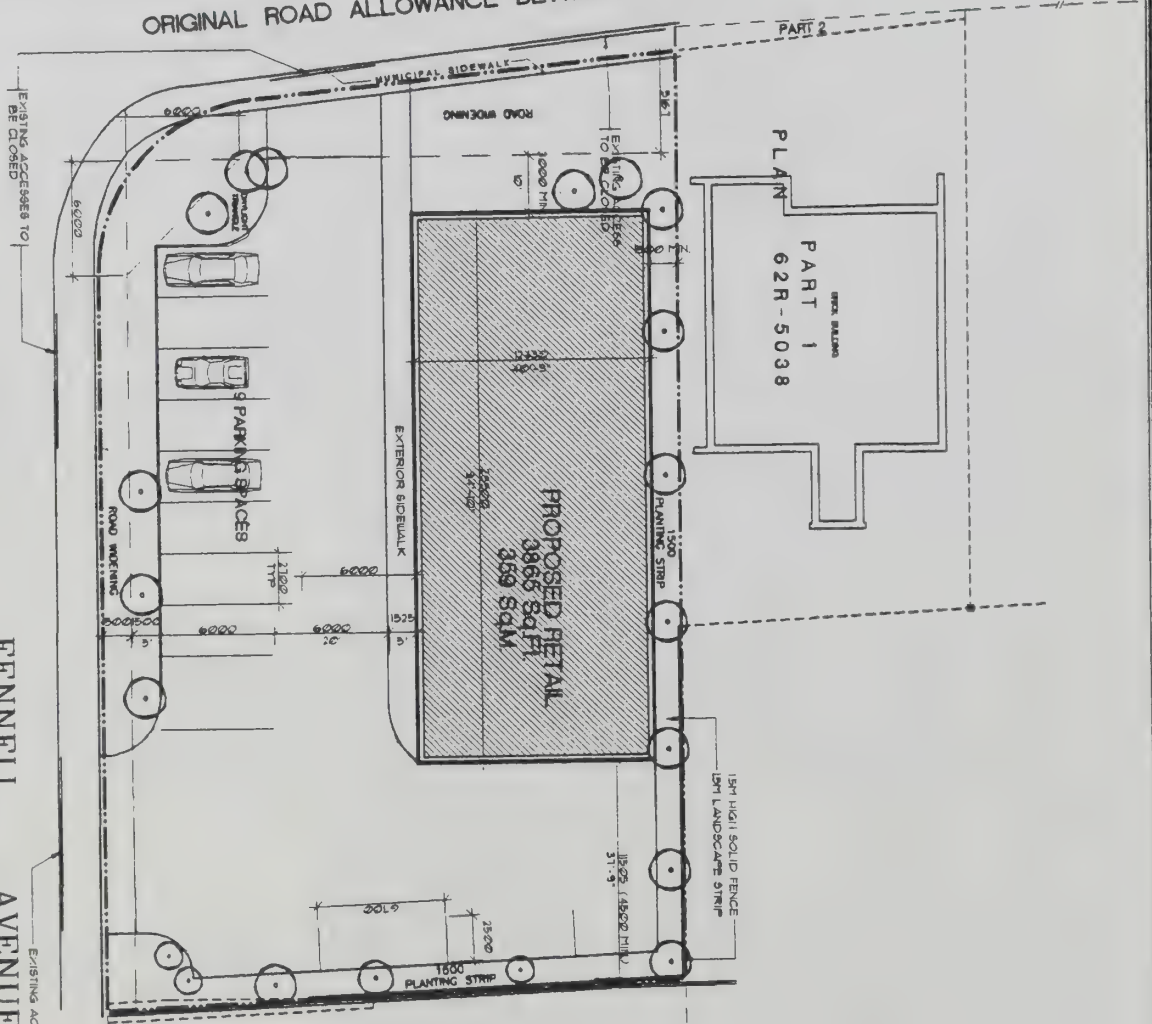
Reference File No.
ZAC-98-02

Drawn By
R.L.

TOPOGRAPHIC SURVEY OF
 LOT 7
 AND PART OF
 LOT 5, 6 AND 8
 REGISTERED PLAN NO. 553
 IN THE
CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF
 HAMILTON - WENTWORTH
 SCALE: 1:200 metres
 S.D. McLAREN, O.L.S. - 1997

APPENDIX "B"

UPPER JAMES STREET
 ORIGINAL ROAD ALLOWANCE BETWEEN LOTS 14 AND 15



BENCHMARK NOTE:
 BY # 12-10
 ST. PETER AND PAUL SEPARATE SCHOOL ON THE NORTH WEST
 CORNER OF FENNEL AVENUE AND EAST FIFTH ST. TABLE SET
 IN THE SOUTH OR FRONT CURBLINE FOUNDATION WALL. DIRECTLY
 UNDER THE BENCHMARK. THE BENCHMARK IS 3.3m EAST OF THE
 MAIN ENTRANCE CURBLINE AND 0.25m BELOW RED BRICK
 STONE. NO 3494
 ELEVATION = 201.416m

ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 4 AND 5

FENNEL AVENUE

P.I.N. 17046 - 0444

P.I.N. 17046 - 0068

PRELIMINARY
 NOT TO BE USED
 FOR CONSTRUCTION

JOB NO. 98.01 DESIGNED BY C.M./J.O. DATE APRIL 1998 SCALE SITE PLAN SHEET 1 OF 1		PROPOSED RETAIL BUILDING UPPER JAMES & FENNEL BIG BEAR FOODS HAMILTON, ONTARIO		R.F. LINTACK ARCHITECT INCORPORATED 244 James Street South Hamilton, Ontario L8P 3B3 Tel: (905) 522-6165 Fax: (905) 522-2209	
--	--	---	--	--	--

ZAC

48-02

1a)

July 17, 1998

Att^y: Secretary

JUL 24 1998

We are against the type of
development proposed for the corner
of Upper James + Fennell Ave —
649 Upper James St.

Reasons:

① There is no ~~and~~ adequate
parking available for 649 Upper James

② It will cause a huge bottleneck
of traffic. This intersection is
already a traffic nightmare.

Please consider the large apartment
building at 33 Fennell Ave E plus
2 small apartment buildings who
entre + leave from behind 33 Fennell

③ There are already 3 convenience
stores plus 24 hr. Shoppers Drug

2.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 29
ZAR-98-21
Gershome Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for a modification in zoning for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the "Nash Orchards Heights South" draft approved plan of subdivision.

RECOMMENDATION:

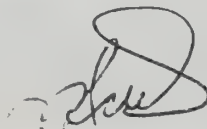
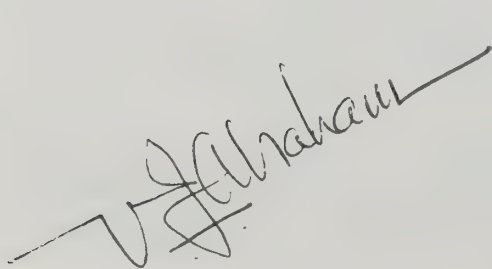
- (a) That approval be given to Amended Zoning Application ZAR-98-21, 1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharma), owner, for a modification to the established "C" (Urban Protected Residential, etc.) District, for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
- 1) That notwithstanding Section 2.(6) and Section 9.(3)(ii) of Zoning By-law No. 6593, only a portion of one required side yard having a width of not less than 0.60 metres that abuts the wall of an attached garage shall be permitted, except that:
 - a) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained; and,
 - b) where a side yard abuts any other residential district, a side yard of 1.2 metres shall be provided and maintained;

- (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - , and that the subject lands on Zoning District Map E-18 be notated S - ;
- (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council;
- (iv) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (v) That the City Solicitor be directed to provide for the establishment of maintenance easements for all lots with 0.60 m sideyard setbacks by the developer as part of the City of Hamilton Subdivision Agreement which is required as a condition of draft plan approval for the "Nash Orchards Heights South" subdivision.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a modification to the established "C" (Urban Protected Residential, etc.) District zoning for property located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision.

The effect of the By-law is to permit the construction of single family dwellings on interior lots with the attached garage to be setback 0.6 m from the side lot line whereas the provisions of the Zoning By-law require 1.2 metres. In addition, the By-law requires that there be a minimum distance of 1.8 metres between single family dwellings.

 A/C.A.O.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Proposal**

The application for a modification in zoning is to permit the construction of single-family dwellings with an attached garage to be setback 0.6 m from the side lot line whereas the provisions of the Zoning By-law require 1.2 metres (see APPENDIX "B").

APPLICANT:

1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharma), owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 432 m of lot frontage along Greenhill Avenue;
- 371 m of lot depth; and
- 14.4 ha. of lot area.

LAND USE AND ZONING:

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Vacant	"C" (Urban Protected Residential, etc) District
<u>Surrounding Land Use</u>		
to the north	Vacant (to be developed for Single Family Dwellings)	"C" (Urban Protected Residential, etc) District
to the south	Vacant	"AA" (Agricultural) District
to the east	Vacant (to be developed for Single Family Dwellings)	"AA" (Agricultural) District

to the west

Single Family
Dwellings

"C" (Urban Protected
Residential, etc)
District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. The proposed modification in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single & Double" Residential in the approved Gershome Neighbourhood Plan. The proposed modification in zoning complies with the Gershome Neighbourhood Plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and find it satisfactory."
- The Building Department has advised:
 - "1. Upon successful zoning change to a "C" District under ZAC-98-12, the minimum lot width measures at 9.0 m from the front lot line is 12.0 m and the minimum lot area is 360 m². No widths or areas indicated on plan.
 2. The "C" District requires a 6.0 m front yard, 1.2m side yards and 7.5m rear yard.
 3. A 0.6m side yard does not conform to the minimum side yard requirements of the "C" District.
 4. All lots must abut upon a public highway of a width of at least 12.0 m. No dimension shown for Street "A" and Greenhill Avenue. Not shown on plan.
 5. Block 187 is located in an "AA" District and may not conform with the minimum lot area.
 6. This plan differs from the final survey plan submitted by the Regional Environment Department."

- The Regional Environment Department, has advised that:

"There are external public watermains and separate storm and sanitary sewers available to service the proposed development.

The Regional Transportation Department, Roads Division, have reviewed the above application with the understanding that the only change this zoning will affect is the reduction in the sideyards of the existing "C-Zone" lots to 0.9 m and that the streets, etc. will not be affected by this application.

For the information of the applicant, we have not given our final approval to the engineering drawings and the draft survey plans for Nash Orchards Heights South plan of subdivision. We are also discussing the length of reverse frontage required on the east side of Greenhill Avenue from the CPR Tracks northerly with the consulting engineers Odan Detech. We understand that Odan Detech is reviewing our previous engineering requirements and will be submitting revised engineering drawings and revisions to the subdivision plan."

- The Regional Environment Department, Planning Division advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

The lands in question comprise "Nash Orchards Heights South" plan of subdivision (Regional File no. 25T-85033), which was draft approved on September 29, 1986.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

COMMENTS:

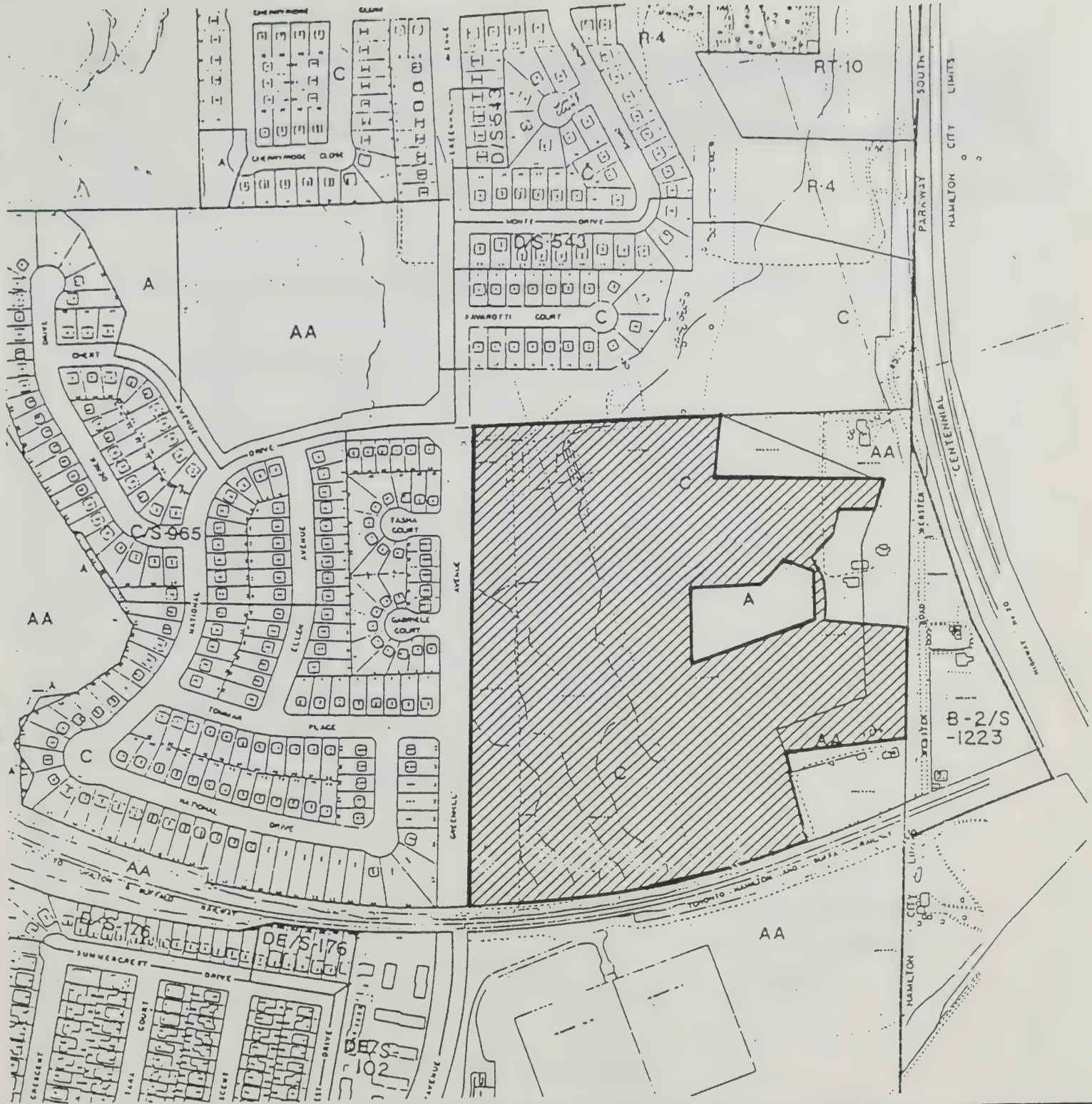
1. The proposal complies with the general intent of the Official Plan and approved Gershome Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the conditions of draft plan approval for the "Nash Orchards Heights South" subdivision; and,
 - ii) it would be compatible with the abutting residential uses.

3. The variance to the "C" District can be supported in that, by reducing the required side yard setback to 0.60 m for only the attached garage, this will allow for alternative house design (see APPENDIX "B"). The variance will allow for the house to be constructed with the garage door flush with the front wall of the dwelling. The habitable portion of the dwelling will be stepped back to provide a 1.2 m side yard in accordance with the provisions of the Building Code.
4. The proposed variance to the "C" District should be restricted to require a 1.2 metre setback along the flankage yard for corner lots. This is required to minimize potential site line problems for vehicular movement. In addition, where the proposed lots abut another Zoning District, then the standard 1.2 metre side yard setback should also be required.
5. The Building Department advised that the plan submitted with the rezoning applicaiton differs from the final survey plan submitted by the Regional Environment Department. This is because the Regional Environment Department has not approved the engineering drawings and the draft survey plans for Nash Orchards Heights South plan of subdivision. Staff are discussing the length of reverse frontage required on the east side of Greenhill Avenue from the CPR Tracks northerly with the land owner's consulting engineers (Odan Detech). Odan Detech is reviewing the Regional Environment Department's previous engineering requirements and will be submitting revised engineering drawings and revisions to the subdivision plan.
6. Under the provisions of the Zoning By-law, eaves may project into a required side yard. With the reduction to the required sideyard from 1.2 metres to 0.60 metres, there may be problems with routine maintence of the dwellings unless maintainence easements are established on the abutting property. This is a standard provision for the "R-4" District which permits a zero-lot line along one side yard. As such, the developer should be required, as part of the City of Hamilton Subdivision Agreement to provide for maintance easements on the affected lots. The easements can be established by either Consent or Part Lot Control.

CONCLUSION:

Based on the foregoing the application, as amended, can be supported.

SR/sr
ZA-98-21.RPT



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
May 1998

Reference File No.
ZAR-98-21

Drawn By
D.L.

STANDARD FORM
DATA
SHEET



SHARMA & ASSOCIATES

PROJECT NASH ORCHARD HEIGHTS.

JOB NO.

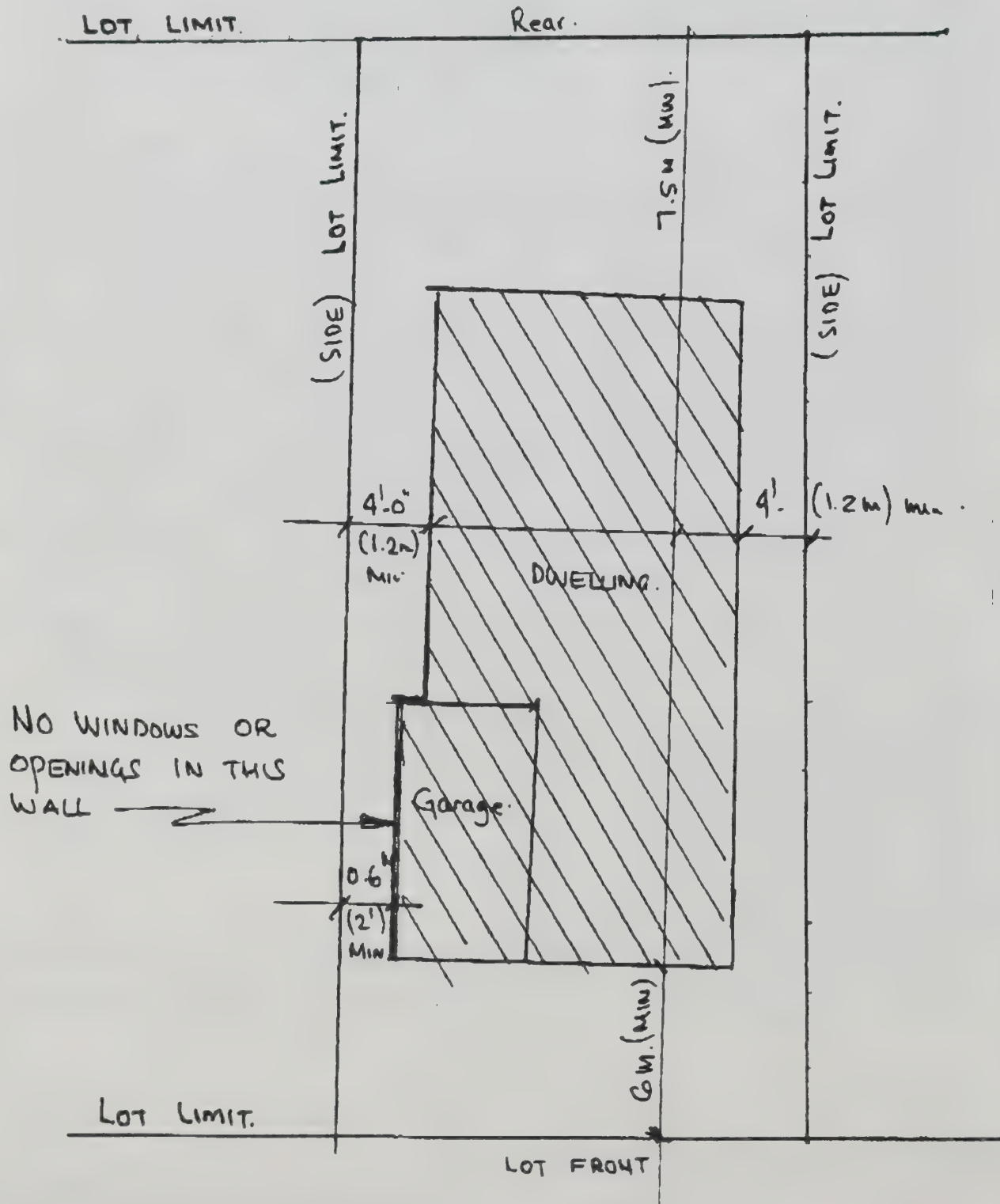
LOCATION HAMILTON.

DATE
20 JUNE 98

BY
M.S.

CKD

SHEET 1 OF 1.



Burlington, Ontario

2a)

July 24, 1998.

Secretary, Planning and Development Comm.

Re. Planning Department File #ZAR-98-21

I wish to object to the application by 1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharman), for the proposed modification in zoning re the Nash Orchards Heights South draft approved plan of subdivision (File No. 25T85032).

I feel that it is premature to consider a zoning change within the subdivision before the perimeter roads are firmly defined. (In particular, any change which could affect the estate of (Mrs.) Margaret Jaffray, 90 Websters Road, Hamilton, Ontario.)

Yours Truly,

Ronald Jaffray

Ronald Jaffray,
568 Hager Avenue,
Burlington, Ontario,
L7S 1P5 637-6729

OFFICE OF THE CITY CLERK	
JUL 27 1998	
REC. BY <u>B</u>	DATE
REF'D. TO	DATE
REF'D. TO	DATE
REF'D. TO	DATE
ACTION:	

*I wish to appear at
the Aug 5th meeting
of the P.D. committee
regarding the above*

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 1998 July 22
ZAC-98-23
Kentley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Request for an Official Plan Amendment and change in zoning for lands south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East

RECOMMENDATION:

- (a) That approval be given to Official Plan Amendment No. to redesignate Block "3", as shown on the attached map marked as APPENDIX "A" from "Residential" to "Commercial" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Zoning Application ZAC-98-23, FDJ Holdings Inc., owner, for changes in zoning from "JJ" (Restricted Light Industrial) District to "RT-30" - 'H' (Street - Townhouse - Holding) District (Block "1"), from "Lmr-1" (Planned Development - Multiple Residential) District to "RT-30" - 'H' (Street - Townhouse - Holding) District (Block "2") and from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District for lands located south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That Block "1" be rezoned from "JJ" (Restricted Light Industrial) District to "RT-30" - 'H' (Street - Townhouse - Holding) District;
 - (ii) That Block "2" be rezoned from "Lmr-1" (Planned Development - Multiple Residential) District to "RT-30" - 'H' (Street - Townhouse - Holding) District;

- (iii) That Block "3" be rezoned from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;
- (iv) That the amending By-law applicable to Blocks "1" and "2" apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to the subject lands, by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until the following conditions have been satisfied:
 - a) the owner submits a signed Record of Site Condition (RCS) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Commissioner of the Environment, Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RSC by the MOE;
 - b) the owner has completed all studies required to demonstrate that the development will not be adversely affected by noise, dust and odour, to the satisfaction of the Commissioner of the Environment, Region of Hamilton-Wentworth; and,
 - c) the applicant apply for and receive site plan approval.

City Council may remove the 'H' symbol, and thereby give effect to the "RT-30" District, provisions as stipulated in the By-law by enactment of an amending By-law once the conditions are fulfilled;

- (v) That the "RT-30" (Street - Townhouse) District regulations as contained in Section 10F of Zoning By-law No. 6593, applicable to Blocks "1" and "2" be modified to include the following variances, as special requirements:
 - (a) that in addition to the requirements of Section 10F. of Zoning By-law No. 6593, a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the northerly lot line and along the westerly lot line;
- (vii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-103 and E-104 for presentation to City Council;
- (viii) That the proposed change in zoning for Blocks "1" and "2" is in conformity with the Official Plan for the Hamilton Planning Area and that the proposed change in zoning for Block "3" will be in conformity with the Official Plan for the Hamilton

Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton Wentworth;

- (xi) That, upon finalization of the implementing zoning by-law, the Kentley Neighbourhood Plan be amended to redesignate Block "3" from "Attached Housing" to "Commercial".

EXPLANATORY NOTE:

The purpose of the proposed Official Plan Amendment is to redesignate Block "3", as shown on the attached map marked as APPENDIX "A", from "Residential" to "Commercial" to permit the development of the subject lands for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East.

The purpose of the proposed by-law is to provide for changes in zoning for property located south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East on the following basis:

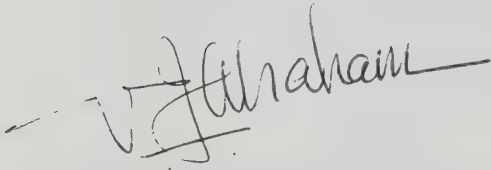
- | | | |
|-----------|---|--|
| Block "1" | - | change in zoning from "JJ" (Restricted Light Industrial District to "RT-30" - 'H' (Street - Townhouse - Holding) District; |
| Block "2" | - | change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "RT-30" - 'H' (Street - Townhouse - Holding) District; and, |
| Block "3" | - | change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District. |

The effect of the By-law is to permit the development of Blocks "1" and "2" for street townhouse dwellings and Block "3" for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East.

In addition, the By-law requires that for Blocks "1" and "2" a minimum 3.0 m wide planting strip with a visual barrier between 1.2 m and 2.0 m in height be provided and maintained along the northerly (rear lot line) and westerly lot line (side lot line).

For Blocks "1" and "2", the By-law applies a Holding Provision such that development cannot occur until such time as:

- a) the owner submits a signed Record of Site Condition (RCS) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RCS by the MOE;
- b) the owner submit to the satisfaction of the Region of Hamilton-Wentworth the required studies which demonstrate that the development will not be adversely affected by noise, dust and odour; and,
- c) the owner applies for and receives site plan approval for the subject lands.




FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for an Official Plan Amendment and for changes in zoning is to permit the development of Blocks "1" and "2" for street townhouse dwellings, and Block "3" for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East (see APPENDIX "A").

APPLICANT:

FDJ Holdings Inc., owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 61.5 m of lot frontage along Eastgate Court;
- a maximum lot depth of 66.1 m of lot depth; and
- 3,355 m² of lot area.

LAND USE AND ZONING:

<u>Subject Lands</u>	<u>Existing Land Use</u>	<u>Existing Zoning</u>
	Automotive storage, vehicular parking and vacant lands	"JJ" (Restricted Light Industrial) District and "Lmr-1" (Planned Development - Multiple Residential) District
<u>Surrounding Land Use</u>		
to the north	Commercial uses (autobody repair shop and retail uses)	"HH" (Restricted Community Shopping and Commercial, etc.) District and "JJ" (Restricted Light Industrial) District
to the south	Single Family Dwellings	"C" (Urban Protected Residential) District
to the west	Vacant and City Sanitation Yard	"JJ" (Restricted Light Industrial District
to the east	Vacant	"Lmr-1" (Planned Development - Multiple Residential) District

OFFICIAL PLAN:

The lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. An Official Plan Amendment is required to redesignate Block "3" from "Residential" to "Commercial" to permit the development of the subject lands for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" in the approved Kentley Neighbourhood Plan. An amendment to the Neighbourhood Plan is required to redesignate Block "3" from "Attached Housing" to "Commercial".

COMMENTS RECEIVED:

- The Streets and Sanitation Division, Department of Public Works and Traffic has advised of the following:

"We have reviewed this application for Rezoning and Official Plan Amendment. It appears to be in compliance with the Proposed Plan for that location in that this area is to be residential. However, in many ways, the situation here resembles that of the Lapp property in that the concerns are similar except for the twenty-four (24) hour operations of the Chedoke Yard which will not likely happen at our Sanitation Yard at 2418 Barton Street East.

Our concerns here include noise, fumes, odour, visual problems and hours of operation. Specifically:

- 1) **Noise:** The operation of 30 diesel trucks provides a fair bit of noise; diesels are notoriously noisy and therefore significant sound insulation should be part of this development.
- 2) **Fumes:** Again, diesel engine operation generates a pungent odour of its own which may cause health concerns and certainly irritation from the potential residents of this area.
- 3) **Odours:** In addition to the exhaust fumes noted above is the distinctive smell of garbage that is a fact of life in a yard such as at 2418 Barton Street East. Even though these trucks are cleaned regularly, that smell is, I believe, unavoidable. Back yard barbecues would not be the pleasant pastime that they should be in such a location.
- 4) **Hours of Operation:** The official hours of operation are 7:00 am to 3:00 pm but reality is that these trucks are running by 6:30 am. In addition, on weeks that contain Satutory Holidays, this yard works Saturdays as well.
- 5) **Visual Problems:** The sight of a Sanitation Yard is, inherently, not aesthetically pleasing. Residents would not, I suspect, enjoy the view of parked garbage packers while looking out their windows.

Recommendations:

- 1) That a warning clause be placed on title to the subject lands that our yard exists and to expect the impacts noted above.

- 2)~ That special measures be required to mitigate the visual, noise and odour impacts. These measures could include sound and visual barriers and air filtering for internal air quality. Unfortunately, nothing could likely be done (short of moving our yard) to improve outdoor air quality in a residential setting."

- The Building Department has advised:

- "1. Maximum permitted height of three storeys and no structure other than a building shall exceed 11.0m in height.
2. RT-30 requires a lot area of not less than 180.0 m² for each single family dwelling unit and a width of not less than 6.0 m for each dwelling unit.
3. Not more than eight single family dwelling units shall be attached in a continuous row.
4. No concept drawing submitted to determine maximum number of townhouse dwelling units, yards, etc.
5. The application proposes that the parcel shown as Part 2, is to be rezoned from "Lmr-1" to "HH" District and used in conjunction with the existing buildings at 2434 and 2420 Barton Street East. Our records indicate that 2420 Barton Street East is an autobody and fender repair shop and is located in the "JJ" District. The building known as 2434 may be a retail store (specific use not indicated). The "HH" District does not permit an autobody and fender repair shop. Therefore, these lands are not to be used in conjunction with a use not permitted."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and find it satisfactory."

- The Regional Environment Department, Development Division, has advised that:

- "1. There are public watermains and separate storm and sanitary sewers available to service the proposed development.
2. The designated road allowance width of Barton Street is 36.58m. In accordance with this designation the applicant should be advised of a future road allowance widening on Barton Street shown as the remainder of Parts 50 and 51 on Reference Plan 62R-222.

3. It appears that lands to be rezoned to RT-30 will be severed and require access to Eastgate Court. As a condition of development/severance approval we will require that the applicant/owner pay all outstanding servicing and land costs to the City of Hamilton and the Region of Hamilton-Wentworth to lift a portion of the .3048 reserve on Eastgate Court shown as Block 33 on Plan 62M-666. The applicant/owner will also be responsible to the cost of preparing the required reference plans to identify the limits of the .3048m reserve to be lifted.
4. Specific comments with respect to access, grading, sightlines, etc. will be submitted at such time as detailed plans are submitted to our Office through the site plan application process."

- The Regional Environment Department, Planning Division have advised that:

"REGIONAL COMMENTS:

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

A portion of the subject lands (i.e. Block 1) is presently used for auto body repair shop purposes, and is adjacent to a Public Works Sanitation Yard. Therefore, the potential exists for site contamination and concerns with respect to noise, fumes, odour, visual problems and hours of operation. Since residential development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the HWOP (Policies attached).

PROVINCIAL COMMENTS:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the proposed residential development is located on lands presently used for auto body repair shop purposes, and is adjacent to a Public Works Sanitation Yard, which have potential for having both site contamination and noise and/or odour impacts, the application requires further demonstration of how it has regard for the following PPS policies:

1. Efficient, Cost-effective Development and Land Use Patterns
 - 1.1 Developing Strong Communities
 - 1.1.1 Subject to the provision of Policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:

- f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided;

1.1.3 Long term economic prosperity will be supported by:

- g) planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, and industries) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

With respect to this particular policy pertaining to Land Use Compatibility, the subject lands are adjacent to a Class I industry (i.e. auto body repair shop), which requires a minimum separation distance between a sensitive land use of 20 metres, and a Class II industry (i.e. public works sanitation yard), which requires a minimum separation distance a 70 metres. The proposal appears to meet these distance requirements as specified in the Ministry of Environment's (MOE) "Manual of Guidelines and Procedures, Part D, Land Use - Guideline D-6, Compatibility Between Industrial Facilities and Sensitive Land Uses".

However, due to the proximity of these industrial uses to the proposed residential development, and the resulting presence of noise, dust and odour, the proponent must provide studies that demonstrate that the development will not be adversely affected by noise, dust and odour (refer to Section 4.6 "Studies" of the above noted MOE Guidelines).

3. Public Health and Safety

3.2 Human-made Hazards

- 3.2.2. Contaminated Sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, approval of this application be conditional upon the following:

- 1) The applicant submit a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.
- 2) The applicant submit to the satisfaction of the Region the necessary studies which demonstrate that the development will not be adversely affected by noise, dust and odour."

COMMENTS:

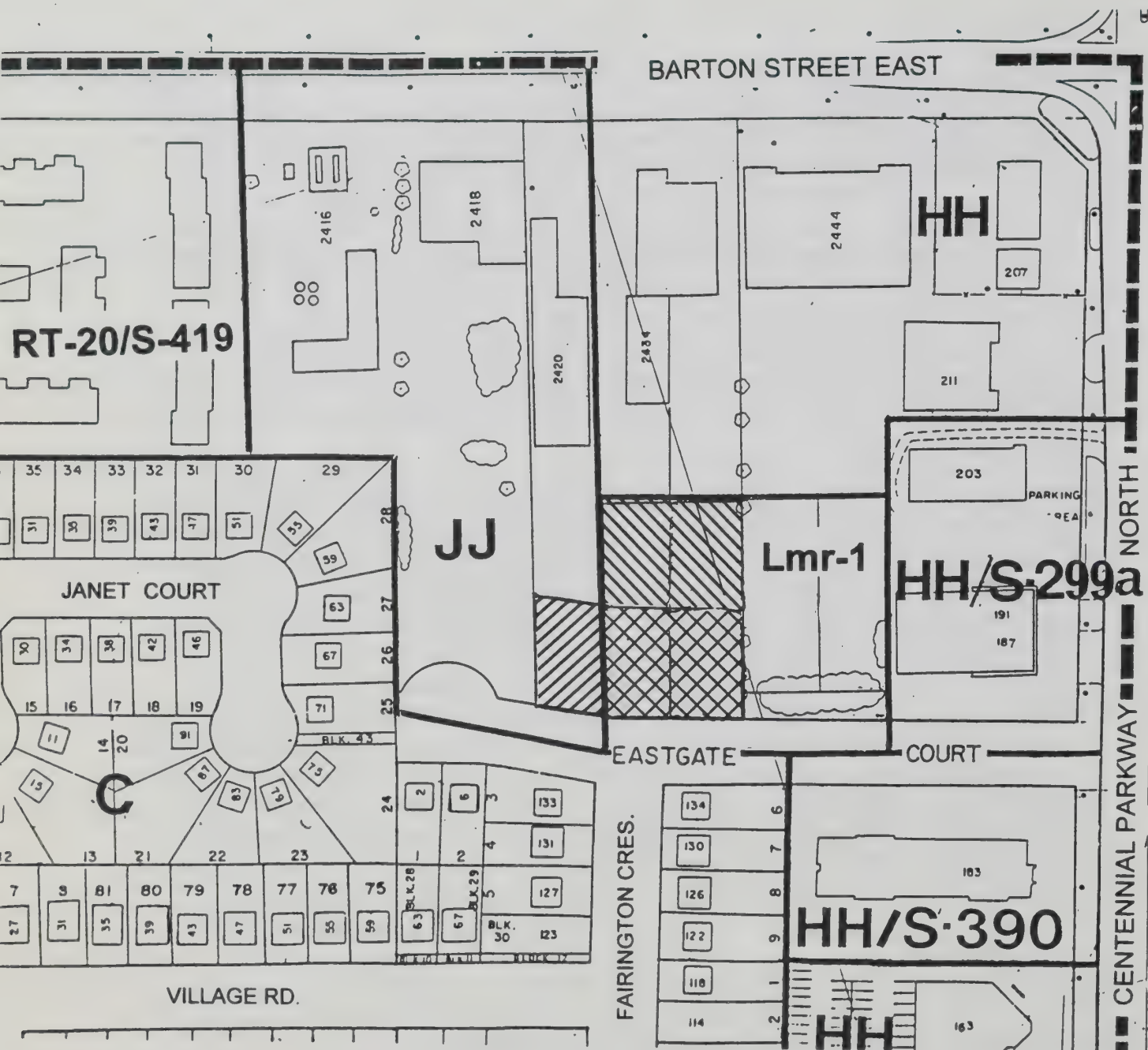
1. The proposed residential development complies with the general intent of the Official Plan. Upon approval of the proposed Official Plan Amendment for Block "3", the proposed commercial development will comply with the Official Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and approved Kentley Neighbourhood Plan which designates the subject lands for attached housing; and,
 - ii) it would be compatible with the existing and planned residential uses in the area.
3. The approved Kentley Neighbourhood Plan shows a 4.5 m (15 ft) planting strip to provide a buffer for the residential development from the existing industrial and commercial uses to the north. The buffer would be provided by the industrial and commercial uses at the time of redevelopment. However, as a result of the preconsultation meeting with the applicant, the depth of the lands to be rezoned to permit street townhouses (Blocks "1" and "2") was increased from 30.0 metres to 33.5 metres. This was done to accommodate a 3.0 metre wide landscaped planting strip to provide a buffer from the abutting commercial and industrial uses fronting onto Barton Street. Also, a 3.0 m wide landscaped planting strip is to be required along the westerly (side) lot line. Within the planting strip, a visual barrier 1.2 - 2.0 m in height should also be required.
4. The Streets and Sanitation Division, Department of Public Works and Traffic have advised that as a condition of approval, a warning clause be placed on title to the subject lands to advise prospective purchasers that there is a Sanitation Yard adjacent to the subject lands, and that special measures should be required to mitigate visual, noise and odour impacts associated with the works yard.

Furthermore, the Regional Environment Department advised that the subject lands are adjacent to a Class I industry (i.e. auto body repair shop), which requires a minimum separation distance between a sensitive land use of 20 metres, and a Class II industry (i.e. public works sanitation yard), which requires a minimum separation distance of 70 metres. The proposal appears to meet these distance requirements. However, due to the proximity of these industrial uses to the proposed residential development, and the resulting presence of noise, dust and odour, the proponent should be required to provide the necessary studies to demonstrate that the development will not be adversely affected. In addition, a portion of the subject lands (i.e. Block 1) is presently used for auto body repair shop purposes, and is adjacent to a Public Works Sanitation Yard. Therefore, the potential exists for site contamination. Since residential development is proposed for this site, a Record of Site Condition should be required as a condition of development approval. In this regard, it is appropriate to place Blocks "1" and "2" in a Holding Zone until the following conditions have been met:

- a) the owner submits a signed Record of Site Condition (RCS) to the Region of Hamilton-Wentworth and the Ministry of Environment, to the satisfaction of the Commissioner of the Environment, Region of Hamilton-Wentworth, including an acknowledgement of receipt of the RCS by the MOE; and
 - b) the owner has completed all studies required to demonstrate that the development will not be adversely affected by noise, dust and odour, to the satisfaction of the Commissioner of the Environment, Region of Hamilton-Wentworth.
5. The Building Department has advised that based on the submitted application form, the applicant is proposing that the parcel shown as Block "3" is to be rezoned from "Lmr-1" to "HH" District and used in conjunction with the existing buildings at 2434 and 2420 Barton Street East.
- An autobody and fender repair shop is located at 2420 Barton Street East which is a permitted use in the "JJ" District. The building known as 2434 is a retail store and is located in the "HH" District. The Building Department has advised that the provisions of the "HH" District do not permit an autobody and fender repair shop. Therefore, under the provisions of the Zoning By-law, Block "3" cannot be used in conjunction with a use not permitted (i.e. an autobody and fender repair shop).
6. The subject lands are subject to Site Plan Control. Notwithstanding this, removal of the Holding Zone should also be conditional upon the applicant applying for and receiving site plan approval from the City of Hamilton. This will allow for inclusion of a warning clause and the implementation of the applicable recommendations of the required noise, odour, dust and vibration studies. In addition, matters such as access, building elevations, landscaping, fencing and grading, etc. will be evaluated as part of the Site Plan review process.

CONCLUSION:

Based on the foregoing, the amended applications can be supported.



Legend

Proposed change in zoning:

BLOCK 1



From "JJ" (Restricted Light Industrial) District to
"RT-30/-H" (Street - Townhouses - Holding)
District

BLOCK 2



From "Lmr-1" (Planned Development) District to
"RT-30/-H" (Street - Townhouses - Holding)
District

BLOCK 3



From "Lmr-1" (Planned Development) District to
"HH" (Restricted Community Shopping and
Commercial) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
July, 1998

Reference File No.
ZAC-98-23

Drawn By
B. B.



TRUWAN HOLDINGS LIMITED

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary,
Planning & Development Cttee. Date: July 23, 1998

3a)

July 23, 1998

City of Hamilton
Planning Department
71 Main St. W.
Hamilton, Ontario
L8P 4Y5

JUL 28 1998

JUL 28 1998

Attention: J. J. Schatz, City Clerk

Dear Sirs:

Re: Proposed changes in Zoning
Rear of 2420 and 2434 Barton Street East.

Further to your Notice of the passing of a by-law effecting the zoning as outlined in the Notice dated July 9, 1998 we would be opposed to this change if it were to cause us problems.

We have already had complaints from the residential area to the south. They have complained that light from the pole lights at the back of the property of 2444 Barton shine in their windows. It would be most annoying to get complaints about various things that we have had to do to meet City requirements and have no control over changing.

Yours truly,

Truwan Holdings Limited

Truman Jess, President
TJ/mb
Encl.

Developers of Commercial and Industrial Buildings

PROPOSED CHANGES IN ZONING FROM JJ AND LMR-1 DISTRICTS TO RT-30 AND HH
PROPERTY DESCRIPTION REAR OF 2420 AND 2434 BARTON STREET EAST DISTRICT

I AM IN FAVOUR OF ()

OPPOSED TO () (PLEASE CHECK (X)WHICH)

THIS PROPOSED CHANGES IN ZONING

.....
TRUMAN HOLDINGS OR OCCUPANT
163 CENTENNIAL PKY N
SUITE 401
HAMILTON ON

Lot 1H8

.....SIGNED

PLEASE DIRECT INQUIRIES TO
PLANNING DEPT. 546-4414

.....
FILE-ZAC-99-23 SEQ-00026

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 24
Jerome Neighbourhood
ZAC-98-20

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

J. Pavelka, P. Eng.
Chief Administrative Officer

SUBJECT: Request for rezoning - 1289 - 1317 Upper James Street

RECOMMENDATION:

That approval be given to Amended Zoning Application ZAC-98-20, Hampshire Properties Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District (Block "1") and "R-4" (Small Lot Single Family Dwelling) District, modified (Blocks "2" and "3"), to permit the development of 83 small lot single family detached dwellings, for property located at the rear of 1289 - 1317 Upper James Street, as shown on the attached map marked as APPENDIX "A", on the following basis:

- (i) That the subject lands (Blocks "1", "2" and "3") be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District;
- (ii) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - 1) That notwithstanding Section 9A(2)(b)(iv), a rear yard having a depth of not less than 6.0 m shall be provided and maintained;
 - 2) That notwithstanding Section 9A(2)(c), a minimum lot width of 10.5 m and a minimum lot area of 307 m² shall be provided and maintained;

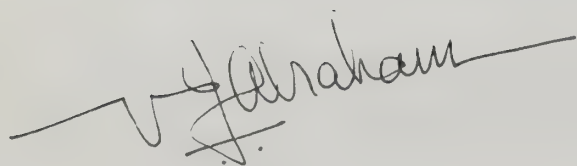
- (iii) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
- 1) That notwithstanding Section 9A(2)(b)(iv), a rear yard having a depth of not less than 6.0 m shall be provided and maintained;
 - 2) That notwithstanding Section 9A(2)(c), a minimum lot width of 11.0 m and a minimum lot area of 313 m² shall be provided and maintained;
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map E-9C be notated S- ;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,
- (vi) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4"(Small Lot Single Family Dwelling) District (Block "1") and "R-4" (Small Lot Single Family Dwelling) District, modified (Blocks "2" and "3"), for land located to the rear of 1289 and 1317 Upper James Street, as shown on the attached map.

The effect of the By-law is to permit the development 83 small lot single family detached dwellings with the following variances:

- . Block "2" - a minimum rear yard of 6.0 m, whereas a minimum of 7.5 m is required;
 - a minimum lot width of 10.5 m and a minimum lot area of 307 m², whereas a minimum lot width of 9.0 m and a minimum lot area of 278 m² is permitted; and,
- . Block "3" - a minimum rear yard of 6.0 m, whereas a minimum of 7.5 m is required;
 - a minimum lot width of 11 m and a minimum lot area of 313 m², whereas a minimum lot width of 9.0 m and a minimum lot area of 278 m² is permitted.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has submitted an amended application to rezone the subject lands from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and "R-4" (Small Lot Single Family) District, modified (Blocks "2" and "3") (see attached APPENDIX "A"). The rezoning will result in a total of 83 small lot single family dwellings.

- 25T-88035 "Effort Gardens" Subdivision

Regional Council, on August 15, 1989, approved the above-noted draft plan of subdivision (see attached APPENDIX "B") subject to conditions, for 89 single family lots in accordance with the "C" (Urban Protected Residential, etc.) District regulations. This draft approved subdivision comprises a majority of the area to be rezoned.

- By-law No. 89-337

City Council, on November 28, 1989 passed the above-noted zoning by-law which rezoned a major portion of the subject lands (see attached APPENDIX "C") from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to facilitate development in accordance with the "Effort Gardens" draft approved plan of subdivision.

- 25T-89036 "Effort Gardens Extension" Subdivision

The Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth approved the above-noted draft plan of subdivision (see attached APPENDIX "D") subject to conditions, for 12 single family lots to be developed in accordance with the "C" (Urban Protected Residential, etc.) District regulations. "Effort Gardens Extension" is immediately north of the subject lands.

- By-law No. 92-167

City Council, on June 30, 1992, passed the above-noted by-law which rezoned the southerly portion of the subject lands (see attached APPENDIX "E") from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. At the time, the lands were owned by the Regional Municipality of Hamilton-Wentworth and were to be sold by tender for single family residential building lots. These lands were part of a larger

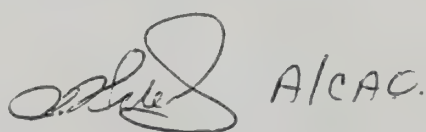
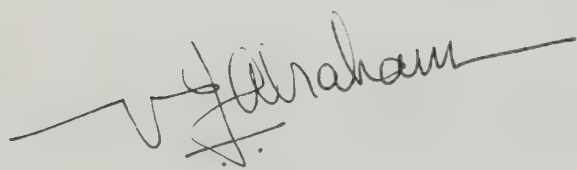
- (iii) That the "R-4" (Small Lot Single Family Dwelling) District regulations, as contained in Section 9A of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variances as special requirements:
- 1) That notwithstanding Section 9A(2)(b)(iv), a rear yard having a depth of not less than 6.0 m shall be provided and maintained;
 - 2) That notwithstanding Section 9A(2)(c), a minimum lot width of 11.0 m and a minimum lot area of 313 m² shall be provided and maintained;
- (iv) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S- , and that the subject lands on Zoning District Map E-9C be notated S- ;
- (v) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,
- (vi) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District (Block "1") and "R-4" (Small Lot Single Family Dwelling) District, modified (Blocks "2" and "3"), for land located to the rear of 1289 and 1317 Upper James Street, as shown on the attached map.

The effect of the By-law is to permit the development 83 small lot single family detached dwellings with the following variances:

- . Block "2" - a minimum rear yard of 6.0 m, whereas a minimum of 7.5 m is required;
 - a minimum lot width of 10.5 m and a minimum lot area of 307 m², whereas a minimum lot width of 9.0 m and a minimum lot area of 278 m² is permitted; and,
- . Block "3" - a minimum rear yard of 6.0 m, whereas a minimum of 7.5 m is required;
 - a minimum lot width of 11 m and a minimum lot area of 313 m², whereas a minimum lot width of 9.0 m and a minimum lot area of 278 m² is permitted.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant has submitted an amended application to rezone the subject lands from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family) District (Block "1") and "R-4" (Small Lot Single Family) District, modified (Blocks "2" and "3") (see attached APPENDIX "A"). The rezoning will result in a total of 83 small lot single family dwellings.

- 25T-88035 "Effort Gardens" Subdivision

Regional Council, on August 15, 1989, approved the above-noted draft plan of subdivision (see attached APPENDIX "B") subject to conditions, for 89 single family lots in accordance with the "C" (Urban Protected Residential, etc.) District regulations. This draft approved subdivision comprises a majority of the area to be rezoned.

- By-law No. 89-337

City Council, on November 28, 1989 passed the above-noted zoning by-law which rezoned a major portion of the subject lands (see attached APPENDIX "C") from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to facilitate development in accordance with the "Effort Gardens" draft approved plan of subdivision.

- 25T-89036 "Effort Gardens Extension" Subdivision

The Commissioner of Planning and Development for the Regional Municipality of Hamilton-Wentworth approved the above-noted draft plan of subdivision (see attached APPENDIX "D") subject to conditions, for 12 single family lots to be developed in accordance with the "C" (Urban Protected Residential, etc.) District regulations. "Effort Gardens Extension" is immediately north of the subject lands.

- By-law No. 92-167

City Council, on June 30, 1992, passed the above-noted by-law which rezoned the southerly portion of the subject lands (see attached APPENDIX "E") from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. At the time, the lands were owned by the Regional Municipality of Hamilton-Wentworth and were to be sold by tender for single family residential building lots. These lands were part of a larger

parcel which are part of Reference Plan 62R-13396 showing lots to be developed in accordance with the "C" (Urban Protected Residential, etc.) District provisions.

APPLICANT:

Hampshire Properties Limited, owner.

LOT SIZE AND AREA:

The subject lands have:

- . a frontage of approximately 28.0 m (85 feet) on Stone Church Road East;
- . a depth of approximately 301.2 m (988 feet); and,
- . a lot area of approximately 75,000 m² (18.5 acres).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	"C" (Urban Protected Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Vacant and single family dwellings	"C" (Urban Protected District
to the east	Vacant	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the south	Vacant and single family	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the west	Commercial	"HH" (Restricted

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- C.7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, Council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:
- i) Provision and maintenance of adequate off-street parking;
- C.7.2 Varieties of RESIDENTIAL types will not be mixed indiscriminately, but will be arranged in a gradation so that higher-density developments will complement those of a lower density, with sufficient spacing to maintain privacy, amenity and value.
- C.7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:
- v) Encourage new RESIDENTIAL development that provides a range of dwelling types at densities and scales compatible with the established development pattern;"

The proposal complies with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" in the approved Neighbourhood Plan. The proposal complies with the approved Neighbourhood Plan.

COMMENTS RECEIVED:

The Hamilton Region Conservation Authority has no objection.

The Building Department advises:

- "1. The future lots must conform with the R-4 District requirements for intensity of uses and appears to do so.
2. All lots must, for a distance of 4.5 m, abut upon an established highway or a width of at least 12.0 m."

Based on the revised lotting pattern, the Building Department advises:

- "1. The future lots must conform with the C and R-4 District requirements and do so, except perhaps for Lot 1, which may not meet the R-4 minimum lot size of 278 m²."

The Public Works and Traffic Department advises the application is satisfactory. However, in response to the amended application and subsequent re-lotting pattern, the Department further advises:

- "1. We suggest that when the subject lands are developed the access to lots 20,21,45 and 46 be provided as close to the south property line as possible.
2. The addition of one lot on the cul-de-sac, Erika Court, will further reduce the available frontage at the curb line. We recommend that the garages and/or future driveways to the lots all be located on the same side of the lots in order to avoid the potential overlapping or driveways within the road allowance.
3. Sufficient frontage outside the daylight visibility triangle is not provided for lot 126 to have access to Benjamin Drive. Therefore, we recommend that lots 123 to 126 be modified to provide three lots with the southerly lot having a minimum 5.0m frontage on Benjamin Drive to accommodate a single driveway."

The Regional Environment Department (Development Engineering Section) advises:

"there are external public watermains and separate storm and sanitary sewers available to service the proposed development.

For the Committee's information, the subdivider has recently constructed the internal storm and sanitary sewers and watermains, private drains and private water services to the property lines based on the original lot layout.

Therefore, as a condition of the rezoning approval, the owner must provide the Region with revised engineering schedules and drawings showing the private services relocated to their standard locations based on the revised lot layout and enter into Subdivision Agreements with the Region and City of Hamilton based on the revised lot layout. The

subdivider is responsible to remove the newly constructed services and reconstruct new private services at his expense, to the satisfaction of the Commissioner, Regional Environment Department.

We also have concerns with respect to the proposed 6m backyards. There may be insufficient room to adequately grade the backyards with slopes suitable to accommodate outdoor living spaces, i.e. patios etc.. We strongly recommend that the minimum backyard requirement of 7.5 not be reduced.

The Regional Transportation Department, Road Division, advise that they have no objection to the general zoning amendments requested. However they have a number of concerns with the subdivision relotting plan dated July 1, 1998 as follows:

1. In order to provide access to Benjamin Drive for Lot 131, we recommend that the frontage outside of the daylight triangle be increased to a minimum of 4.5m and that the access be located within this area.
2. We understand that the Traffic Division of the City of Hamilton Department of Public Works and Traffic is reviewing the proposed driveway locations within the cul-de-sac areas.
3. We recommend that the applicant/owner review the area of Lot 1 to ensure that a viable building envelope is available while still meeting the requirements of the Zoning By-law.
4. The road layout and the lotting at the southend of Theodore Drive must conform to our previous requirements as outlined in the attached letter dated March 11, 1998 to Urbex Engineering Limited.
5. The easterly cul-de-sac opposite Theodore Drive and the east-west street on the east side of Benjamin Drive must be clearly shown as a street on the "subdivision relotting plan" and dedicated as public highways on the final plan.
6. We understand that Lots 117 to 128 inclusive on the relotting plan are not included in the Effort Gardens plan of subdivision and the subdivision must either be amended to include the lots or the block must be developed through separate subdivision or land severance applications.
7. The total number of residential units to be developed on a temporary basis from one street access cannot exceed 100 units. Should the street access be provided from Jeremy Street only, all the existing residential units with access to Upper James Street from Chipman Avenue must be included in the 100 unit total.

We have reviewed the draft plan conditions approved by City of Hamilton Council

on Jun 27, 1989 and Condition of Approval (A)(j) states the following:

"That this plan of subdivision not receive final approval before road access is available from Ridge Street (now Jeremy Street) and from a road connection to Stone Church Road."

Regional Council at its meeting on August 15, 1989 also approved this condition.

It is incumbent on the applicant/owner to advise us as to how this condition will be fulfilled."

COMMENTS:

1. The proposal complies with the Official Plan and approved Neighbourhood Plan.
2. The amended application has merit and can be supported on the following basis:
 - . it complies with the Official Plan and the approved Neighbourhood Plan; and,
 - . it provides for an appropriate mix of lot sizes and gradation in density which encourages opportunities for affordable housing. In this regard, the current "C" District zoning would yield approximately 99 lots, whereas this proposal will yield a total of 125 lots (42 "C" District lots and 83 "R-4" District lots).
3. The "Effort Gardens" draft plan of subdivision was approved on the basis of wider lots (ie. 13.0 m instead of the minimum 12.0 m for "C" District), but shallower lots, given the configuration of the land area. The resulting lot area of 370 m² for this draft plan was consistent with the "C" District minimum of 360 m².

The amended application reflects the same constraints, and therefore it is appropriate to introduce variances for Blocks "2" and "3" which require a wider minimum lot width and a larger minimum lot area than required lot for the "R-4" District. Accordingly, variances are required as follows:

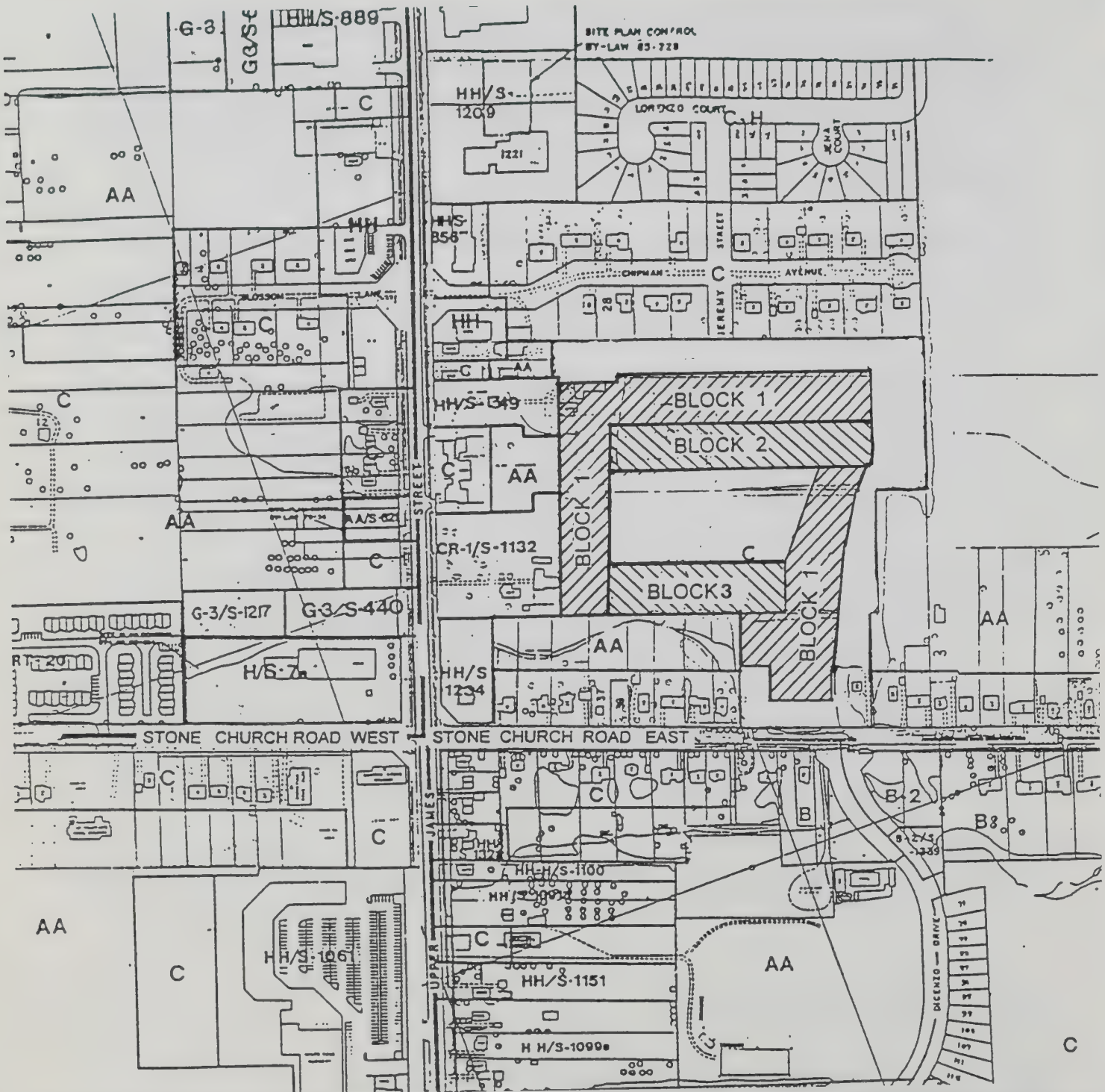
- . Block "2" - a minimum lot width of 10.5 m and a minimum lot area of 307 m², whereas a minimum lot width of 9.0 m and a minimum lot area of 278 m² is permitted; and,
 - . Block "3" - a minimum lot width of 11 m and a minimum lot area of 313 m², whereas a minimum lot width of 9.0 m and a minimum lot area of 278 m² is permitted.
4. The applicant requested a reduction of the minimum rear yard from 7.5 m to 6.0 m for Blocks "2" and "3" since these lots were shallower than the lots in Block "1" (ie. 28.5 m

and 29.2 m rather than 30 m). From a planning perspective, given the constraint of the shallower lots, it is preferable to reduce the front yard requirement from 6.0 m to 4.5 m, while still providing the minimum 6.0 m parking space. This would maintain the rear yard depth at 7.5 m for optimum use as amenity space. The applicant has indicated that the housing proposed for the area could not meet the reduced front yard and provide the required parking space. A variance to the by-law is required to provide for a reduced rear yard of 6.0 m for Blocks "2" and "3".


5. In response to the Regional Environment Department comments, the following is noted:
- . (page 6, 2nd paragraph) - the applicant has verbally advised that the subdivider has not installed watermains and water services for this area;
 - . (page 6, 3rd paragraph) - it is noted that "the owner must provide the Region with revised engineering schedules and drawings showing the private services relocated to their standard locations based on the revised lot layout and enter into Subdivision Agreements with the Region and City of Hamilton based on the revised lot layout." This must be done by the owner through the normal process and on this basis does not require it to be a condition of zoning approval;
 - . (page 7, 2nd paragraph) - there is concern with the proposed reduction in the rear yard since there may be insufficient room to adequately grade the backyards with slopes to accommodate outdoor living space. In this regard, there may be no grading constraints as such but the resulting reduced rear yard is less than ideal. The applicant has verbally advised that there will be no problems with the grading and further, revised grading plans will be subject to approval by the Region.;
 - . (page 7, point 4) - the applicant has verbally indicated that this will be dealt with as agreed to in the March 11, 1998 letter; and,
 - . (page 7, point 7) - the applicant has verbally indicated that they are committed to providing both access points.

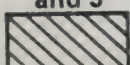
CONCLUSION:

Based on the foregoing, the amended application can be supported.



Legend

BLOCK 1
 Change in zoning from "C" (Urban Protected Residential) District to "R-4" (Small Lot Single Family) District.

BLOCKS 2 and 3
 Change in zoning from "C" (Urban Protected Residential) District. To "R-4" (Small Lot Single Family Dwelling) District, modified.

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

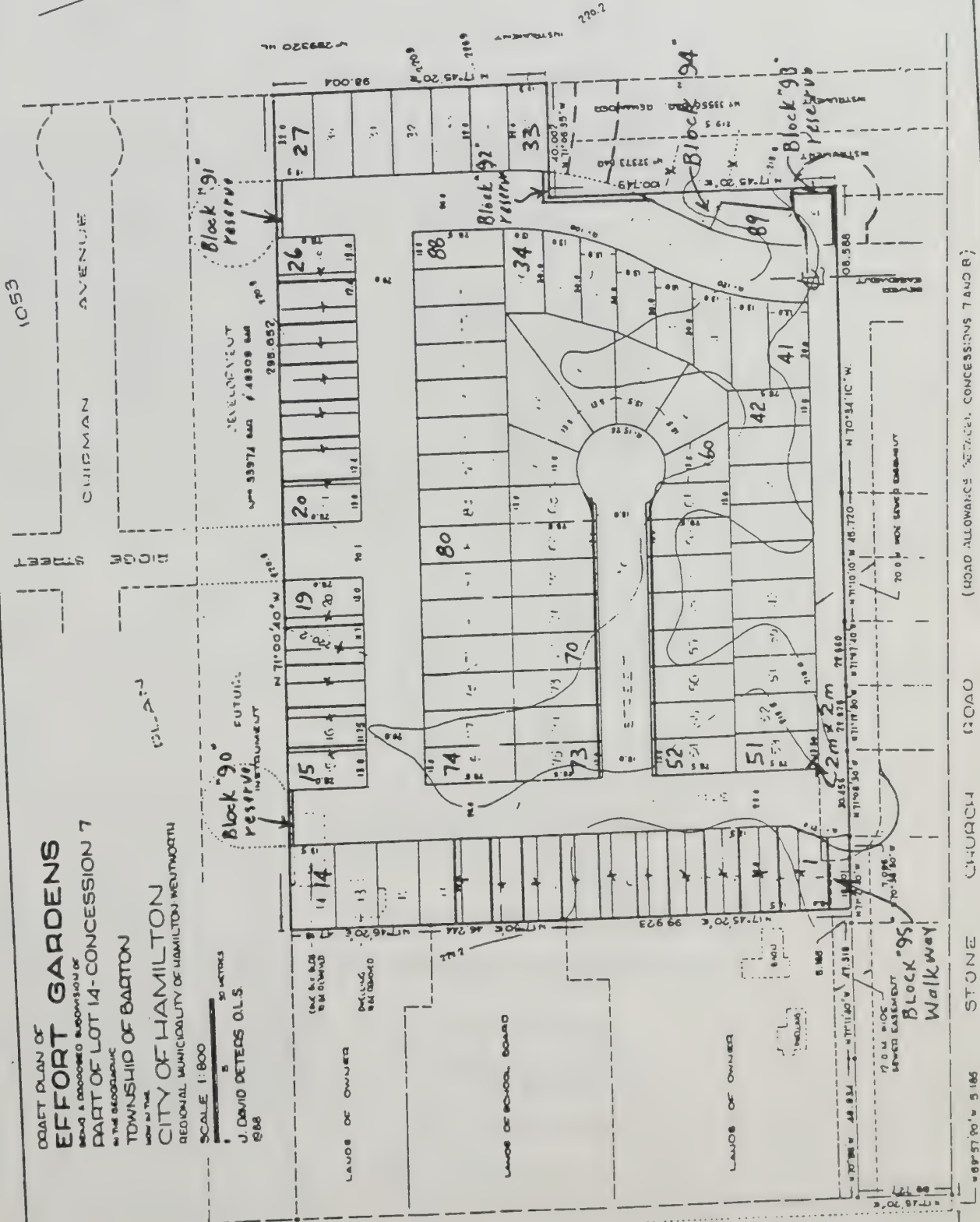
Date
 July 1998

Reference File number
 ZAC-98-20 Amended

Drawn By
FAB

DRAFT PLAN OF
EFFORT GARDENS
 BEING A PROPOSED SUBDIVISION OF
 PART OF LOT 14- CONCESSION 7
 IN THE GEOGRAPHIC
 TOWNSHIP OF BARTON
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON WESTNORTH

SCALE 1:800
 50 METERS
 J. DAVID DETEDES O.L.S.
 1988



KEY PLAN - SCALE 1:2000

- SCHEDULE OF SECTION 50(1) THE PLANNING ACT, R.S.O. 1983
- a) SHOWN
 - b) SHOWN
 - c) SHOWN
 - d) SHOWN
 - e) SHOWN
 - f) SHOWN
 - g) SHOWN
 - h) SHOWN
 - i) SHOWN
 - j) SHOWN
 - k) SHOWN
 - l) SHOWN
 - m) SHOWN
 - n) SHOWN
 - o) SHOWN
 - p) SHOWN
 - q) SHOWN
 - r) SHOWN
 - s) SHOWN
 - t) SHOWN
 - u) SHOWN
 - v) SHOWN
 - w) SHOWN
 - x) SHOWN
 - y) SHOWN
 - z) SHOWN

OWNER'S CERTIFICATE
 HEREBY AUTHORIZES MARY MARY
 (NAMED TO SIGN THIS PLAN FOR
 APPROVAL)

10/10/1988

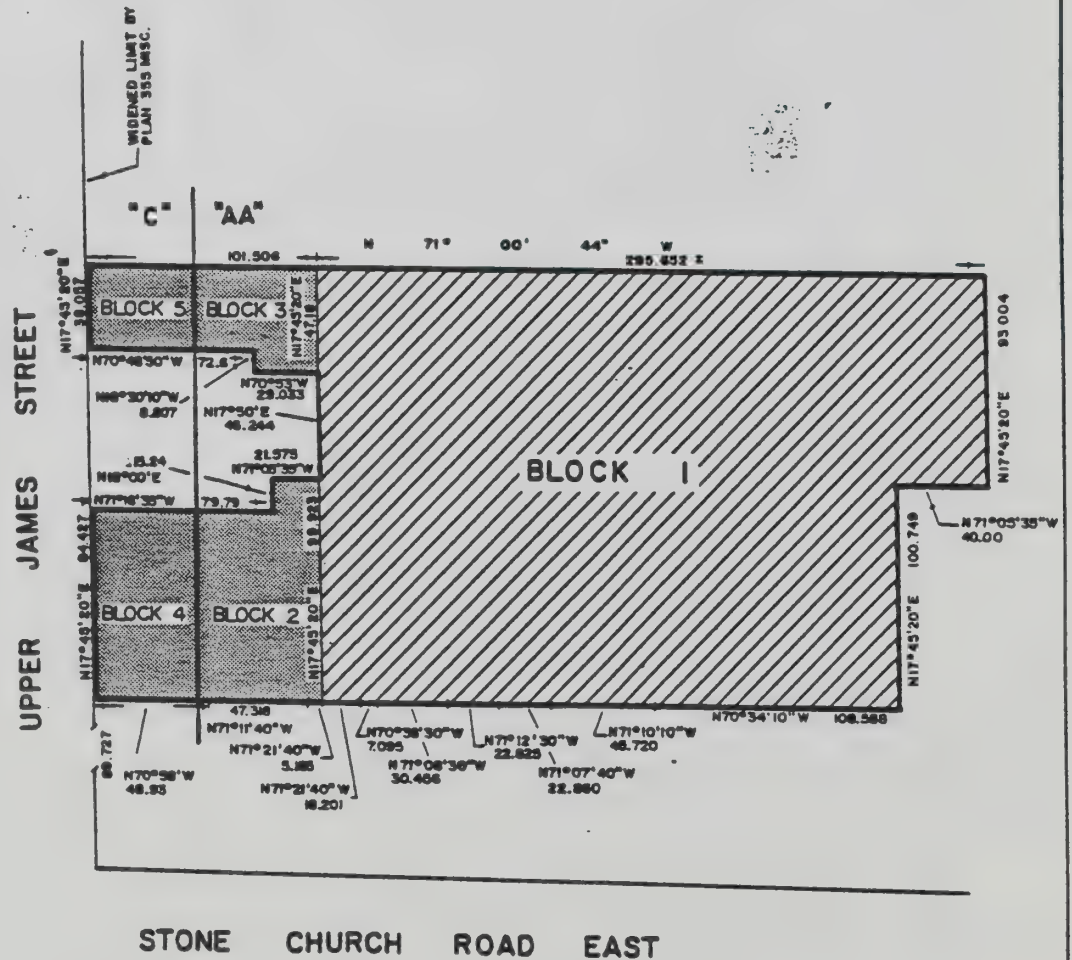
SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE DIMENSIONS OF
 THE LOTS TO BE SUBDIVIDED DO NOT
 RELATIONSHIP TO ANY PREVIOUS LOTS AND
 ACCURATELY AND CORRECTLY SHOWN

10/10/1988

LEGEND
 DIMENSIONS ARE APPROXIMATE AND ARE ON RECORD
 TO THE EASTON UNIT OF LOCAL TAXES AND
 AS VOTED AND SHOWN ON PLAN 365 WISC
 N 17°45'20"E

MARY MARY & PETERS
 LIMITED
 SUITE 101 UNIT 101 BLDG
 20 HURON STREET
 HAMILTON ONTARIO L8N 1J1

REVISED APRIL 7, 1989



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 89-337
Passed the 28 day of NOVEMBER, 1989.

EA
Clark

Mayor
Mayor

City of Hamilton

Schedule A

Map Forming Part of
By-Law No. 89-337

to Amend By-Law No. 6593

Regional Municipality of Hamilton-Wentworth
Planning and Development Department

Legend

Change in zoning from:



*AA (Agricultural) District to "C" (Urban Protected Residential, etc.) District.



*AA (Agricultural) District to "CR-1" (Commercial-Residential) District, Modified.



"C" (Urban Protected Residential, etc.) District to "CR-1" (Commercial-Residential) District, Modified.



North

Scale
NOT TO SCALE

Reference File No.
ZA 89 - 131

Date
JUNE, 1989

Drawn By
R.J.M.

251-89036

DRAFT PLAN OF
EFFORT GARDENS EXTENSIONBEING A SUBDIVISION OF
PART OF LOT 14 - CONCESSION 7

TOWNSHIP OF BARTON

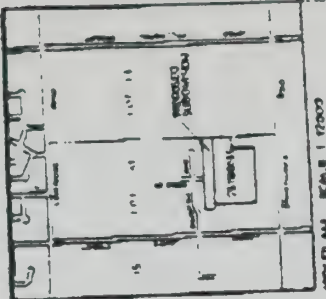
CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON WESTMOUNT

SCALE 1:800

J. O'NEIL & SONS

LEGEND
 BOUNDARY LINE
 TO THE EASTERN LIMIT OF THE
 AS SHOWN, AND SHOWN ON PLAN
 N 17° 48' 20" E.



KEY PLAN SCALE 1:12000

SCHEDULE 46 SECTION 30 (1)

THE LANDS ACT - R.S.O. 1983

1. BOUNDARY

2. BOUNDARY

3. BOUNDARY

4. BOUNDARY

5. BOUNDARY

6. BOUNDARY

7. BOUNDARY

8. BOUNDARY

9. BOUNDARY

10. BOUNDARY

11. BOUNDARY

12. BOUNDARY

13. BOUNDARY

14. BOUNDARY

15. BOUNDARY

16. BOUNDARY

17. BOUNDARY

18. BOUNDARY

19. BOUNDARY

20. BOUNDARY

21. BOUNDARY

22. BOUNDARY

23. BOUNDARY

24. BOUNDARY

25. BOUNDARY

26. BOUNDARY

27. BOUNDARY

28. BOUNDARY

29. BOUNDARY

30. BOUNDARY

31. BOUNDARY

32. BOUNDARY

33. BOUNDARY

34. BOUNDARY

35. BOUNDARY

36. BOUNDARY

37. BOUNDARY

38. BOUNDARY

39. BOUNDARY

40. BOUNDARY

41. BOUNDARY

42. BOUNDARY

43. BOUNDARY

44. BOUNDARY

45. BOUNDARY

46. BOUNDARY

47. BOUNDARY

48. BOUNDARY

49. BOUNDARY

50. BOUNDARY

51. BOUNDARY

52. BOUNDARY

53. BOUNDARY

54. BOUNDARY

55. BOUNDARY

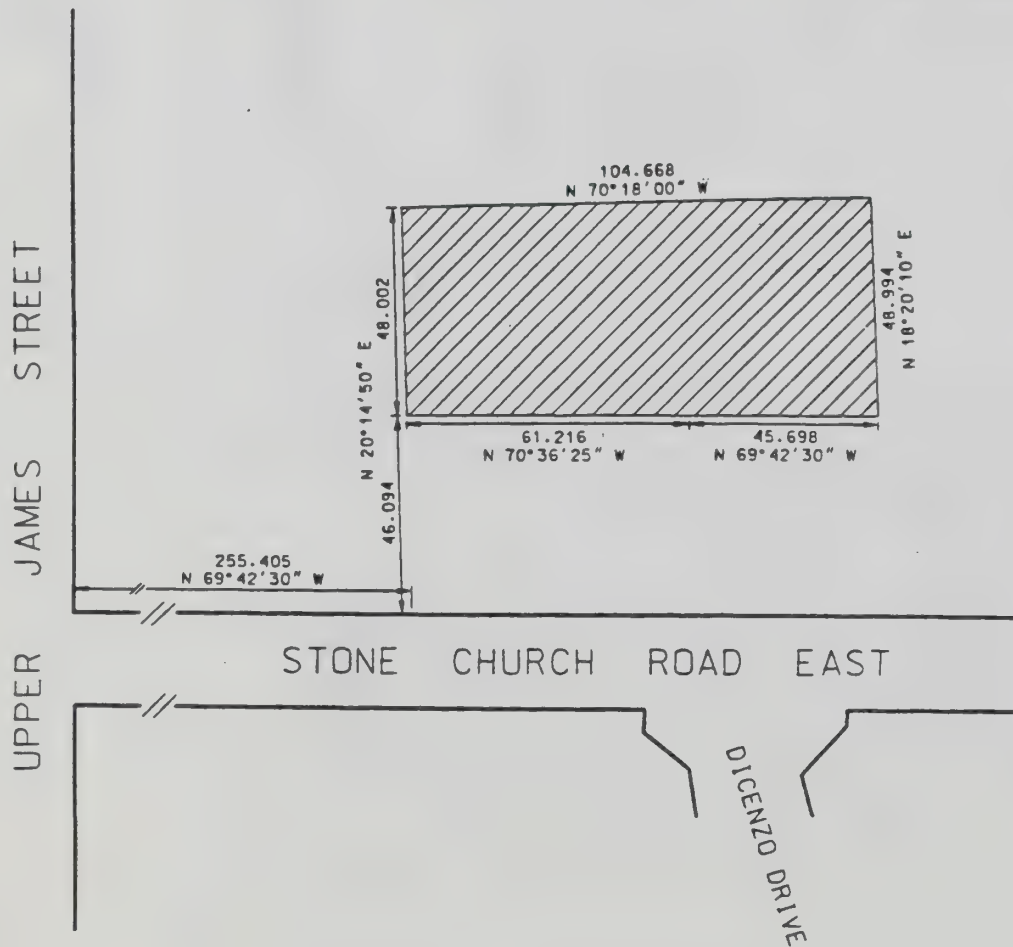
56. BOUNDARY

57. BOUNDARY

58. BOUNDARY

59. BOUNDARY


60. BOUNDARY



NOTE: All dimensions are in metres

This is Schedule "A" to By-Law No. 92-167
 Passed the 30th day of June, 1992.


 Clerk



 Mayor

City of Hamilton
Schedule A
 Map Forming Part of
 By-Law No. 92-167
 to Amend By-Law No. 6593
 Regional Municipality of Hamilton-Wentworth
 Planning and Development Department

Legend
 Change in zoning from:



"AA" (Agricultural) District to "C"
 (Urban Protected Residential, etc.) District

North 	Scale NOT TO SCALE	Reference File No. CI-92-A
	Date MAY, 1992	Drawn By H.V.

Robert C. Dickson Ph.D., M.D.

4a)

111 Stone Church Road East
Hamilton, Ontario L9B 1A8

July 19, 1998

JUL 21 1998

The Secretary, Planning and Development Committee,
City of Hamilton

Re: File # ZAC-98-20 Upper James Street and Stone Church Road East Zoning Change


SAME DEVELOPER / SAME SCENARIO / SAME RUBBER STAMP / NOBODY CARES

My wife and I, by our signatures below, wish to register our objection to the above application for the Proposed Change in Zoning. We request notification of the decision made (copy of this letter sent to the City Clerk, City of Hamilton).

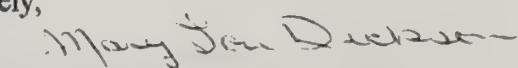
1. A great deal of time, effort, consideration and expense have resulted in the current Official Plan and Neighbourhood Plan regarding the subject property. These guidelines should not lightly be changed at the whim of every developer who applies. It is important for our community to retain the character determined during planning. This does NOT include increased density of "small lot" housing - no matter how appealing this is to the developer and City tax department. Increased flow of traffic in and out of such an area would add to the already increasing number of serious traffic accidents in the vicinity. Increased vehicular traffic, noise, heat and urban pollution would result.

2. This application is SUSPECT in origin. The CITY owned much of the subject lands, sold them to the "area developer" and now can "rubber-stamp" a zoning change to benefit the developer and itself. This does not seem to be an "arm's length" series of transactions. The documentation of contingency planning might be of interest to the O.M.B.

3. We would appreciate acknowledgement of receipt of copies of this objection from our two Aldermen - Mrs. Anderson and Kelly. We doubt that Council members who ultimately vote on these issues have had time or interest to adequately assess their merit before voting "automatically". The status of an "uninformed vote" could be questioned. The legal implications for members of the Planning Department, of recommending a zoning change for lands sold by the City, will be explored. It may be worthwhile to explore the nature, process, motivation and outcome of a statistical number of similar "applications". Results may be of interest to all residents of Hamilton and environs.


Robert C. Dickson

Sincerely,


Mary Lou Dickson

cc. City Clerk, City of Hamilton

Mr. Bill Kelly, Alderman

Mr. Terry Anderson, Alderman

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary,
Planning & Development Cttee. Date: 1998 July 22

46)

Copy to V. Abraham, Director of Planning & Development;
P. Noé Johnson, City Solicitor from T. Agnello, Secretary,
Planning & Development Ctte. Date: July 27/98

Mr. & Mrs. John Thornton
27 Stone church Rd. East
Hamilton, Ont. L9B 1A8
July 21, 1998

The Corporation of the City of Hamilton
Secretary of Planning & Development Committee
71 Main St. West.
Hamilton, Ont. L9P 4Y5

JUL 27 1998

Re: File #ZAC-98-20
New Proposed changes by
Hampshire Properties

Dear Sir or Madam:

We oppose the new proposed changes.

The original approved plan with 40' min. lots and changes made earlier to the rear of our property; we favour.

We have previously severed property to the city, at no cost to you. Our property had to be surveyed twice, plus lawyer fees and subdivision contracts at our cost, someone goofed. We thought everything was okay; guess again.

We later got a new plan that only allowed one driveway. We have original written acknowledgement also a contract promising two lots with separate driveways.

We do not want to pay for a third survey and lawyer fees and insist that you honour your original contract with us: that is two pie shaped lots rated at approx 50x150^{ft}. with two driveways.

The proposed changes will mean an increase of 25% plus population density, more schools, and sever traffic problems that will add to the present safety problems.

We do realize the new changes propised will mean more profit to Hampshire Properties. It is unfair that these changes will likely be approved regardless of surrounding tax payers and voters in the surrounding area who may oppose. It will quite likely increase our tax burden to make changes later and make our peaceful lives a nightmare.

The present plan shows only two exits to the new survey.

I dare you to try and cross Upper James or Stone church on foot particularly at rush hour, or on a school bus. Upper James has poor, if any sidewalks, damaged and unrepaired by developers working in this area. Stone church has but one sidewalk, none on the other side, you can jay walk to cross the street, or walk in the ditch, or walk with your back to the traffic in order to cross with the light.

The existing sidewalk has ditches up to eight feet and uneven ashfault. I have witnessed young children and elderly fall into these ditches, also, every year the sidewalk snow plows turn over into these ditches.

Of course AFTER the survey is completed and land developers have retreated a bright light will come on and someone will say "Hey, we need sidewalks, stoplights, too many people are unable to turn left into or out of survey, etc." However, not at the expense of Hampshire or potential property owners, as myself.

I will attend your meeting but my present health will not allow me to verbally participate.

We do not have any complaint regarding our dealings with the city in our past severance; but changes by Effort Trust have been much concern and aggravation.

Yours truly,

John D. Thornton.

A handwritten signature in cursive script, appearing to read "John D. Thornton", written in dark ink.

5.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 14

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Downtown Hamilton Community Improvement Plan
Amendments - Downtown Loan/Grant Programs.

RECOMMENDATION:

- a) That Appendix 'A' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, be repealed and replaced with Schedule 'A' attached;
- b) That Schedule 'C' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Gore Heritage 2000 Program be repealed and replaced with Schedule 'C' attached;
- c) That Section 9 of the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 be amended by the addition of the wording shown on Appendix 'A' attached to this report;
- d) That the amendments to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
- e) That the City Solicitor be authorized to prepare the requisite By-law for (a), (b) and (c) above.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council at its meeting held 1998 June 30 approved the changes to the existing Hamilton Downtown Renovate/Convert-to-Rent Loan Program and the Gore Heritage 2000 Program. It also approved the criteria for the newly created Core Heritage 2000 Program all described in the attached Schedules.

Funding for the Programs is contained in Account Centre Number CF 609855043 and CH 00369.

In accordance with the Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area and corresponding Community Improvement Plan in order to offer loans and grants to property owners. The Planning Act, Section 28, dictates a process for approval of the C.I.P. that includes a public meeting of the Planning and Development Committee and approval of the C.I.P. by the Ministry of Municipal Affairs and Housing. It also dictates that any amendments of a C.I.P. are also carried through the process described above. In 1997 the Downtown Hamilton Community Improvement Plan, adopted by By-law 97-140 was approved by the Ministry of Municipal Affairs and Housing and subsequently the document must now be amended in accordance with the Planning Act, Section 28 in order to offer the loan and grant programs as amended.

At its meeting held 1995 November 28, City Council approved the proposal to request the Province to enact special legislation to allow the City of Hamilton to make loans or grants to tenants located in a Community Improvement Project Area for the purpose of rehabilitating the premises leased by tenants. Consequently the Province approved the legislation and, in order to offer these loans and grants to tenants the Downtown Hamilton Community Improvement Plan must be amended to reflect this component of the programs the City of Hamilton offers.

BACKGROUND:

At its meeting of 1998 May 13, the Committee of the Whole approved in the 1998 Capital Budget a total of \$850,000 for loans and grants in the Downtown Hamilton Community Improvement Project Area consisting of \$200,000 for the Convert/Renovate-to-Rent Loan Program and \$650,000 for distribution between programs applicable in the downtown. Staff were to report back on how the allocation of \$650,000 was to be distributed among the various loan/grant programs.

City Council at its meeting of 1998 June 30 approved the following allocation of funds for the remaining \$650,000:

Convert/Renovate-to-Residential Program	\$250,000
Core Heritage 2000 Program	\$400,000

DL:HM:hm

P&DAmen.dhc

c.c.

Patrice Noé Johnson, City Solicitor

Len King, Commissioner of Building, Attn: Mark Mascarenhas

Victor Abraham, Director of Planning, Attn: Nina Chapple

Alan Ross, City Treasurer

**Summary of Terms of Hamilton Downtown
Convert/Renovate to Residential Program**

Lender:	The Corporation of the City of Hamilton.
Duration of loan program:	Until terminated by Council
Loan interest rate:	Zero interest.
Interest on arrears:	13% per annum or such tax arrears interest rate established by Council.
Maximum loan term:	Ten years (subject to prior termination on default). Principal repayable in monthly amounts over 120 months.
Maximum loan:	The lesser of cost or \$12,000 per unit maximum for units 600 sq ft or less. Unit size in excess of 600 sq ft, per unit, qualifies for additional assistance at the rate of \$20 per sq ft to a maximum of \$20,000. Loans are for a maximum of 8 units per deeded property.
Purpose of loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings.
Security:	Promissory Note and lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement.
Minimum equity requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed.
Realty taxes:	In good standing at all times.
Eligible costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program.
Sale or refinancing of property:	Due in full.

Except as provided above, subject to City's usual lending criteria.

GORE HERITAGE 2000 PROGRAM

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the Gore from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Gore Heritage Design Study, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVE THE QUALITY OF THE STOREFRONT DESIGN

Purpose: To attract pedestrians and businesses by making the Gore an animated, lively busy place again. Improve storefronts to make them attractive and appealing and restore original historic storefronts, where feasible.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Gore Heritage Design Study. Included as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

Purpose: To create downtown commercial signage that animates and enlivens the core and at the same time enhances the architectural quality of the buildings. Regain the special character of the Gore by making signs legible and appropriate to their host building and replacing excessively over-sized signage.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Gore Heritage Design Study and the Signage Guidelines for the Gore. Design of the signage should fit the character of the host building.

SUMMARY OF TERMS OF THE GORE HERITAGE 2000 PROGRAM

- | | | |
|-----|-------------------------------------|--|
| (a) | Grantor | The Corporation of the City of Hamilton. |
| (b) | Initial Grant Capital | \$200,000 City funds. |
| (c) | Type of Program | Matching Grant Program. |
| (d) | Maximum Grant | \$20,000 per property; properties with a frontage of more than 40 foot will be eligible for a matching grant of \$500 per foot to a maximum of \$75,000. |
| (e) | Eligible Applicants | Owners and tenants of a property located within the Gore Area, on King Street East between James Street and Catharine Street which is designated under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest. Tenants must have permission of the property owner to make changes to a building. |
| (f) | Purpose of Grant | To create a new image of the Gore through a heritage building facade improvement program. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization. |
| (g) | Realty Taxes | In good standing at all times. |
| (h) | Eligible Costs | The matching grants can be applied to heritage facade restoration as well as improvement to storefronts and signage, based on the principles established in the <u>Gore Heritage Design Study</u> . |
| (i) | Additional Eligible Programs | The Gore Heritage 2000 Program may be used in conjunction with other funding programs, such as the Hamilton Downtown Convert/Renovate-to-Residential Loan Program, the Commercial Property Improvement Loan Program and the Commercial Heritage Trust Fund. |

(j) Conditions of Grant

The project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the applicant of the grant will be responsible for paying the full amount of the grant back to the City.

APPENDIX 'A'

nn)

CORE HERITAGE PROGRAM

1. The program will apply to the heritage commercial properties located within the Downtown Hamilton Community Improvement Project Area (Queen Street to Cannon Street to Victoria Avenue to Hunter Street) where a Facade Design Study is approved.
2. Owners and tenants of commercial heritage properties in the Downtown area with no tax arrears are eligible. Properties to be funded must comply with the zoning By-law. Criteria for the tenants shall be that of the owners except that a tenant must have permission of the property owner to make changes to a building.
3. The Core Heritage 2000 Program is a three-part project designed to revitalize the central core by providing matching grants to:
 - (a) restore the historic building facades and in cases of special heritage features, improve the rear and side facades;
 - (b) improve the storefronts and enhance pedestrian amenities through the use of canopies; and,
 - (c) improve the quality of the commercial signage. Proposals must meet the prescribed design criteria.
4. Funding will be in the form of matching grant up to a maximum of \$20,000 per property; properties with a frontage of more than 40 feet will be eligible for a matching grant of \$500 per foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible for an additional \$5,000 matching grant. Design, labour and materials are eligible but not the owners' "sweat equity".
5. In the event of demolition or removal of funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for repaying the full amount of the grant back to the City.
6. Applications will be taken by the Housing and Loans Division of the Building Department. The technical processing of the grant and facade design will be undertaken by the Planning and Development Department, Heritage Planning staff.

During pre-submission meetings, Guidelines for Heritage Restoration, Improving Storefronts and Canopies, and Commercial Signage will be provided to each interested property owner/tenant. Each application will be reviewed by Heritage Planning and an advisory committee, following the procedure established for the Gore Heritage 2000 Program. When the final drawing is submitted and the proposal approved by Council or the C.A.O., the applicant is then entitled to proceed with the project. Approval of the technical work will be done by the Planning and Development Department after a site visit. The Housing and Loans Division will forward the grant money.

7. The Core Heritage 2000 Program demonstrates the City's leadership in a joint public-private funding approach. Joint public-private ventures are needed for long lasting revitalization of the downtown.
8. The Core Heritage 2000 grants can be used in conjunction with other improvement programs such as the Convert/Renovate-to-Rent Loan Program, the Commercial Property Improvement Loan Program and the Community Heritage (loan) Fund, provided the established design criteria are used, to spur on the renewal of the building's interior as well as exterior.
9. The Core Heritage 2000 funding enables small-scale developers to participate in and contribute to downtown revitalization.
10. A greatly enhanced streetscape will help attract more people into the downtown area, the ultimate goal of downtown revitalization.
11. Renovation and restoration work is labour intensive and will serve to create jobs for smaller and more specialized firms.
12. Economic recovery will lead to increased taxes.
13. With this effort to revive and enhance the buildings within the core, the city will demonstrate its long-term commitment to downtown revitalization, its support of the private property owners/tenants who carry the financial responsibility for the core, and its belief in Hamilton's future."

6.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 16

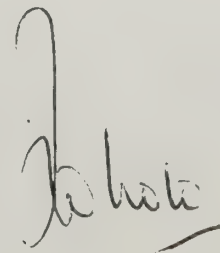
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Doug Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: Amendments to Community Improvement Plans to Implement Revised
Criteria to the Commercial Property Improvement Loan Program.

RECOMMENDATION:

- a) That the following Community Improvement Plans be amended to incorporate the Tenant Loan/Grant Component of the Commercial Property Improvement Loan Program described in the criteria attached as Appendix 'A', 'B' and 'C' accordingly:
- (i) The Concession Street Community Improvement Plan;
 - (ii) The Downtown Hamilton Community Improvement Plan;
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan;
 - (iv) The International Village Community Improvement Plan;
 - (v) The Main Street West Community Improvement Plan;
 - (vi) The Ottawa Street Community Improvement Plan;
 - (vii) The Westdale Village Community Improvement Plan;
 - (viii) The Barton General Community Improvement Plan; and,
 - (ix) The Barton Village Community Improvement Plan.
- b) That the above Community Improvement Plans be amended to reduce the interest rate to zero percent if the borrower makes all the payments of the principal of the loan. If the borrower defaults the interest rate shall be the rate charged on tax arrears, under Bylaw No. 94-189.
- c) That the amendments to the above Community Improvement Plans be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
- d) That the City Solicitor be authorized to prepare the requisite By-law for (a) and (b) above.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Council at its meeting held 1998 June 30 approved the eligibility criteria for the tenant component of the Commercial Property Improvement Loan Program (CPILP).

Funding for the Program is contained in Account Centre Number CH 00329.

In accordance with the Planning Act, Section 28, the City of Hamilton must designate a Community Improvement Project Area and corresponding Community Improvement Plan in order to offer loans and grants to property owners. The Planning Act, Section 28, dictates a process for approval of the C.I.P. that includes a public meeting of the Planning and Development Committee and approval of the C.I.P. by the Ministry of Municipal Affairs and Housing.

BACKGROUND:

At its meeting held 1995 November 28, City Council approved the proposal to request the Province to enact special legislation to allow the City of Hamilton to make loans or grants to tenants located in a Community Improvement Project Area for the purpose of rehabilitating the premises leased by tenants. Consequently the Province approved the legislation and, in order to offer these loans and grants to the tenants, the Community Improvement Plans for the Business Improvement Boundaries must be amended to reflect this component of the program that the City of Hamilton offers.



DL:HM:hm
P&DCPILP

c.c. Patrice Noé Johnson, City Solicitor
Len King, Commissioner of Building, Attn: Mark Mascarenhas
Alan Ross, City Treasurer

TENANT LOAN GUIDELINES

- 3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

- 3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

- 3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.

- 3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,

- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
- (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
- (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

- 3.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.

- 3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.

- 3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;

- 5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 5.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- 5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 5.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 5.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 5.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 5.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 5.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:

- (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
- (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
- (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;

5.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.

5.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.

5.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.

5.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

6.0 Grants to Tenants

The provisions of paragraph 3.0 of Schedule "A" of By-law No. 95-180 to the owners of lands shall apply to grants to the tenants of property located in the Barton General Community Improvement Plan Area with the necessary changes, except as amended by this section.

6.1 The maximum grant to a tenant shall be \$5,000. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.
25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
31. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
33. All loans become due and payable upon the sale, closing or moving of the borrower's business.

34. Grants to Tenants

The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.

35. Grant amounts shall not exceed the sum of \$5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

7.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 29
(SS-UEC)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

Mr. J.G. Pavelka, P.Eng.
Chief Administrative Officer

SUBJECT: Entertainment Centre - Request for Proposals

RECOMMENDATIONS:

- (a) That the following review process be established for the proposals received for the Entertainment Centre:
- i) A Special Committee consisting of the Mayor, the Chairmen of the Planning and Development Committee and the Finance and Administration Committee, and the two Ward 2 Aldermen, chaired by the Planning and Development Committee Chairman, be struck to oversee the review of the proposals and to make a recommendation to Council regarding the proposals;
 - ii) A staff team consisting of the Chief Administrative Officer plus staff from: Planning and Development, Treasury, and Law Departments and the Regional Economic Development, and co-ordinated by the Planning and Development Department, be directed to report to the Special Committee regarding the implications of the proposals;
- (b) That the review process include consultation with the Downtown Partnership.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

See below.

BACKGROUND:

This process commenced in January of 1998 when Council directed staff to review the issue of Entertainment Centres. Since that time, two reports to Council were presented regarding this issue. One of the reports included amendments to the Downtown Hamilton Community Improvement Plan and the issuance of a Request for Proposals for the development of an Urban Entertainment Centre in downtown Hamilton. The Request for Proposals closed on July 24, 1998.

COMMENTS:

1. For the Committee's information, two complete proposals were received. A third submission, a letter offering a site for development, was also received.
2. In terms of reviewing the proposals, it is expected that the following process will be used:
 - a staff group will review the proposals for completeness of information, summarize the proposals, and evaluate the implications for the City. This component should be completed by the end of August;
 - consultation will be undertaken with the Downtown Partnership in terms of the comments/perspective of the Partnership (to be completed in early September);
 - the Special Committee of elected representatives will review the staff information, the Partnership's comments, meet with the bidding firms, and make a recommendation to Committee/Council. It is anticipated that a recommendation regarding these proposals will be brought forward to Council in October of this year.

MLT/

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 August 5

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 July 8.

B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- (i) 18 Chilton Place (Durand-Markland Heritage Conservation District) - Application for Heritage Permit
- (ii) 712 Main Street East, Hamilton Regional Indian Centre (St. Clair Avenue Heritage Conservation District) - Application for Heritage Permit
- (iii) 252 James Street South (Designated under Ontario Heritage Act) - Application for Heritage Permit

Wednesday, 1998 June 24
9:30 o'clock a.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. Morrow
Alderman D. Haining
Alderman B. Charters
Alderman M. Caplan
Alderman F. Eisenberger
Alderman R. Corsini

Regrets: Alderman B. Kelly, Vacation

Also present: Alderman M. Kiss
Alderman A. Horwath
Joe Pavelka, Chief Administrative Officer
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Keith Extance, Planning and Development Department
Vanessa Gruppe, Planning and Development Department
Nina Chapple, Planning and Development Department
Len King, Building Commissioner
Willy Wong, Building Department
Ed Switenky, Building Department
Mark Mascarenhas, Building Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Patrice Noé Johnson, City Solicitor
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

- 1. Zoning Application 98-15 and Subdivision Application 25T-89002(R) ("Annabelle Place"), by J. Zaborsky (Bestco Construction Corp.), Owner, for a Change in Zoning from "AA" District to "C" District, for Lands Located at the South West Limits of Annabelle Street.**

Paul Mallard advised that the proposal is for a subdivision of seven single family lots.

Of 63 notices sent, six replied in favour and none opposed. Planning staff is in support of the application.

As recommended by the Director of Planning and Development in a report dated 1998 June 17, the Committee recommended to Council as follows:

- A.(a) That approval be given to Zoning Application 98-15, Amended Subdivision Application SA-89-04, (Regional File 25T-89002(R)), J. Zaborsky, owner, to establish a draft plan of subdivision "Annabelle Place", for lands located north of Stone Church Road West, west of West Fifth Street, as shown on the attached map marked as Appendix "A", subject to the following conditions:
- (i) That this approval apply to the plan, prepared by B. J. Clarke, O.L.S., dated April 1, 1998, as red line revised, showing 7 lots for single detached dwellings, future extension of Annabelle Street, two blocks for development with adjacent lands to the south and two blocks for a 0.3 m reserve as shown on the attached map marked as Appendix "B"; and,
 - (ii) That 2m by 2m daylight triangles be established on Lots 7 and 8 at the inside corner of the L-shape bends on Street "A"; and,
 - (iii) That the Owner pay the outstanding servicing costs on Annabelle Street to the City of Hamilton; and,
 - (iv) That the Owner acquire the 0.30m reserves shown as Parts 2 and 3 on Reference Plan 62R-14047 from the City of Hamilton; and,
 - (v) That the Owner show Blocks 10 and 11 on the draft plan as solid lines and establish as 0.30m reserves; and,
 - (vi) That the owner not require the issuance of a Building Permit for Block 8 until appropriate land assembly to the south has taken place; and,
 - (vii) That Blocks 8 and 9 be developed in conjunction with the abutting lands to the south; and,
 - (viii) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (ix) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the Subdivision in the Final Plan; and,
 - (x) That the owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton as provided for under Section 51 of the Planning Act; and,
 - (xi) That the owner erect a sign in accordance with Section XI of the subsequent Subdivision Agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (xii) That the streets be named to the satisfaction of the City of Hamilton; and,
 - (xiii) That the streets be dedicated to the City of Hamilton as public highways in the Final Plan; and,

- (xiv) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
 - (xv) That such easements as may be required for utility or drainage purposes be granted to the appropriate authority; and,
 - (xvi) That prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (1) That all erosion and sediment control measures be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (2) That the Owner provide an inspection report prepared by a qualified professional engineer of all erosion and sediment control measure after each rain fall to the satisfaction of the Senior Director, Roads Department; and,
 - (3) That any disturbed area not scheduled for further construction within 45 days be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - (4) That all disturbed areas be revegetated with permanent cover immediately following completion of construction; and,
 - (xvii) That the Owner be required to enter into a modified subdivision agreement with the City of Hamilton prior to development of any portion of these lands; and,
 - (xviii) That the applicant/owner agree in writing, to satisfy all the requirements, financial and otherwise, of the City of Hamilton prior to development of any part of these lands; and,
 - (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (SA-89-04/25T-89002), "Annabelle Place" proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
 - (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- B. That approval be given to Zoning Application ZAC-98-15, J. Zaborsky, owner, requesting a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, for lands located north of Stone Church

Road West, west of West Fifth Street, to permit the development of three (3) single family dwellings in conjunction with adjoining lands, as shown on the attached map marked as Appendix "A" on the following basis:

- (a) That the lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
- (b) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, to amend Zoning By-law No. 6593, and Zoning District Map W-9C for presentation to City Council; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area.

2. Zoning Application 98-13 and Subdivision Application 98-01 ("Woodland Meadows") by Valery Construction Company Limited, Owner, for Changes in Zoning for Lands Located East of West 5th Street and North of Stone Church Road West, Known Municipally as 965 West 5th Street.

Submissions were received from the following:

- (a) Ronald J. Weston on behalf of Gina and John Piano and Vince and Rose Citino, owners of property fronting onto West 5th Street, Hamilton.
- (b) Anthony Wellenreiter on behalf of Franklin Javor, owner of units 16 and 54, 71 Stonechurch Road West, Hamilton.
- (c) A petition from Anne Bennett, 952 West 5th Street, Hamilton, L9C 3R7.
- (d) Vincent Citino, 59 Bonaventure Drive, Hamilton, L9C 4P4.

The Committee was in receipt of a report from the Director of Planning and Development dated 1998 June 23.

Paul Mallard advised that this application deals with a draft plan of subdivision and zoning on a former designated Separate School Board site. The proposal that is now before the Committee is different to that which was sent out to the public. The proponent revised the plan to provide for a full crescent and temporary road access from West 5th Street. The development provides for a total of 45 units. It provides for a progression of mixed uses. Some variances have been requested to reduce the front yards on lots in the interior of the crescents. Interior lots will be placed under site plan control.

Of 152 notices circulated, six replied in favour and 17 opposed.

There is a condition that a tree preservation plan be provided by the applicants.

Mr. Valery, applicant, and Sergio Manchia, agent from Planning and Engineering Initiatives, were present. Mr. Manchia stated that originally they introduced a cul-de-sac. They have met with the abutting neighbours to the north and are very pleased with the new revised plan since it has integration of uses. He stated that they are introducing wide and shallow lots to allow for various types of designs. These are not typical townhouses, they are glorified semi's of three units and one of four. He

thanked staff who worked closely with him in developing this application at the eleventh hour.

Anne Bennett, 952 West Fifth Street was present. She submitted a petition with 100 names opposed and also three notices opposed to the application. She stated that the opposition is mainly due to the reduction of lot size which are smaller than the existing luxury townhouses. She also stated that other reasons are because of crowding and increased traffic. She was also concerned with the removal of trees as it is a natural woodland. She was concerned that there would also be too many units.

Mr. Ron Weston of Jaskula, Sherk, Flaherty & Weston, Suite 302, 135 James Street South, was present on behalf of Mr. Piano and Mr. Citino, the abutting landowners to the north. He stated that the zoning for the property is "C" zoning which permits single family residential. He made various points and requested that Council request the Region to amend their draft plan of approval so that they are not totally responsible for the cost of building a road to the property in question. He also stated that his clients would like to maintain "C-1" zoning on the property because the proposed uses are too intense. The uses should be graded not integrated. He also questioned the orientation of the lots on the southerly limits of Picino Street. He asked the Committee to consider recommending, if the draft plan is approved, that lands to the south be re-designated as blocks.

Sergio Manchia replied that this is a good opportunity to maximize infrastructure and provide a mix of housing. His client has no problem with having the whole of the area under site plan approval. He said that the clean-up and the tree preservation will enhance the site. From the streetline there will be more than that which is required as a right of way. The required lot sizes are within zoning. The depth is less by one to two metres, but this is made up by the width which is more than average.

Alderman Caplan asked why the applicant does not use Picino Street as access to the property instead of building a temporary road. He also questioned the orientation of the roads. Paul Mallard replied that if the orientation of the properties are changed additional variances would be required.

Sergio Manchia reiterated that the streetscape will look pleasant with the orientation which is being proposed.

Alderman Copps felt that this is an over-intensification and that there should be larger lots.

Alderman Eisenberger stated that the uses are not consistent with the surrounding area. He suggested that the whole site be under site plan control.

Eugene Chajka stated that, with regard to Picino Street, it was previously partially on the School Board property and now is being built by the developers.

Sergio Manchia added that his clients will be contributing to the building of that road.

Alderman Copps took the Chair and Alderman D'Amico stated that this is an innovative and good mix. They have tried to reach an agreement with Citino and Piano with regard to the road and the applicant is willing to support costs of Picino Street.

With regard to a question from Alderman Copps about tree preservation, Mr. Chajka explained that it is more a replacement of trees, it will not be a woodlot.

Alderman Corsini added that at the site plan stage there will be more negotiation.

Following discussion, the Committee agreed to approve the recommendation of the Director of Planning and Development as amended to provide for a site plan on the entire property and recommended to Council as follows:

- A. (a) That approval be given to Revised Subdivision Application 98-01 (Regional File No. 25T-98003), Valery Construction Company Limited, owner, to establish a draft plan of subdivision "Woodland Meadows", for lands east of West 5th Street and north of Stone Church Road West, comprising of 18 lots for single family dwellings, 8 lots for semi-detached dwellings, 5 blocks for street townhouses, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", as shown on the attached map marked as Appendix "C", subject to the following conditions:
- (i) That this approval apply to the plan, as revised in red, prepared by Planning and Engineering Initiatives Ltd. and certified by J.P. Wooley, O.L.S. dated March 10, 1998, showing 18 lots for single detached dwellings, 8 lots for semi-detached dwellings, 5 blocks for townhouse units, 1 block being a 0.30 m reserve, 1 block for road widening purposes and 2 streets identified as Streets "A" and "B", attached as Appendix "D"; and,
 - (ii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
 - (iii) That the owner prepare and submit, to the satisfaction of the Director of Planning and Development, a municipal street numbering plan; and,
 - (iv) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
 - (v) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and block and the gross area of the subdivision in the final plan; and,
 - (vi) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
 - (vii) That the Owner make a cash payment in lieu of the conveyance of 5% of the land included in the plan to the City of Hamilton for park purposes; and,
 - (viii) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:

1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:
 - a. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - b. All erosion and sediment control measures shall be inspected after each rainfall and maintained to the satisfaction of the Authority Engineer; and,
 - c. Any disturbed area not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - d. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
2. That the requirements of the approved erosion and sediment control plan be included within the Subdivision Agreement for this property; and,
 - (ix) That the 5.18m road widening on West 5th Street, shown as Block 33, be dedicated to the Region of Hamilton-Wentworth for road widening purposes on the final plan; and,
 - (x) That Block 32 be removed and established as Street "A" on the final plan; and,
 - (xi) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all lots within the plan of subdivision abutting West 5th Street and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that noise levels originating from West 5th Street may become of concern, occasionally interfering with some activities of the occupant.
 - (xii) That the Owner agree to include the following clause in a registered portion of the subdivision agreement, to be registered on title of all Lots and Blocks within the

subdivision and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

Purchasers are advised that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

- (xiii) That a 1m by 1m daylight triangle road widening be established at the intersection of the "public street" and West 5th Street from Lot 1; and,
- (xiv) That a minimum 4m by 4m daylight triangle road widening be established on Lot 15 and 26 at the L-shape bend in the road on Street "A" and Street "B" to accommodate the off tracking of vehicles through the 90 degree bend in the 18.0m road allowance; and,
- (xv) That a 2m by 2m daylight triangle be established at the corner of Street "B" and the "public street" to West 5th Street from Block 14; and,
- (xvi) That prior to the final approval of 18m road rights-of-ways for the new "public street" to West 5th Street and Streets "A" and "B", the applicant/owner must provide written confirmation from all the respective Utility Companies that their facilities can be accommodated within the 18m right-of-way while still maintaining the standard municipal roadway cross section and municipal sidewalk locations. The owner will provide and pay for permanent conduit as required for various utilities due to the reduced road allowance width; and,
- (xvii) That the owner be required to pay for the entire construction of Street "A" from West 5th Street easterly; and,
- (xviii) The outside corner street radius on Street "A" should be decreased from 21.5m to 15m; and,
- (xix) That the applicant/owner provide the future replacement of Street "A" from Street "B" to West 5th Street with a walkway. This includes curb/street removal, landscaping and the curb alterations required at the intersections of Street "B" and Street "A" and Street "A" and West Fifth Street; and,
- (xx) That the owner establish and convey a .30m reserve, shown as Block 32, along the south side of Street "A" to the City of Hamilton on the final plan for the purposes of access control; and,

- (xxi) That the Owner provide and implement a Landscape and Tree Preservation Plan to the satisfaction of the Commissioner, Regional Environment Department; and,
 - (xxii) That the owner grant the City temporary right-of-way over Lots 9, 20, 21 and 31 in order to construct the standard 9m radius turning circles and provide a minimum of 6m behind the turning circle for snow storage, the construction of temporary drainage facilities and the temporary location of Utilities, as required; and,
 - (xxiii) That the owner agree not to request Building Permits for Lots 9, 20, 21 and 31 until such time as the temporary cul-de-sacs have been removed and a permanent street has been constructed adjacent to these lots to the satisfaction of the City of Hamilton; and,
 - (xxiv) That the Owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98003), Valery Construction Company Ltd., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- B. That approval be given to Amended Zoning Application 98-13, Valery Construction Company Limited, owner, for changes in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District (Block "1") and from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "2") for lands located east of West 5th Street and north of Stone Church Road West, as shown on the attached map marked as Appendix "C", on the following basis:
- (a) That Block "1" be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District; and,
 - (b) That Block "2" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District; and,
 - (c) That the "D" (Urban Protected Residential - One and Two Family District, etc.) District regulations, as contained in Section 10. of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 10.(1) of Zoning By-law No. 6593, only the following uses shall be permitted:

1. not less than 10 single family dwellings; and,
 2. not more than 8 two-family dwellings; and,
 3. not more than 16 street townhouse dwelling units subject to the "RT-30" District provisions of Section 10F.
- (ii) That notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, the following shall apply:
- 1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,
- (iii) That notwithstanding Section 10F.(9) of Zoning By-law No. 6593, for a townhouse dwelling not more than four single family dwelling units shall be attached in a continuous row; and,
- (iv) That notwithstanding Section 10F.(4)(a) of Zoning By-law No. 6593, the following shall apply:
- 1) A front yard having a depth of not less than 4.5 m to the main wall of the dwelling shall be provided and maintained; and,
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport shall be provided and maintained; and,
- (d) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1406, and that the Block "2" on Zoning District Map W-9C be notated S - 1406; and,
- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-9C for presentation to City Council; and,
- (f) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Blocks "1" and "2" to Schedule "A", including single family and two family dwellings; and,
- (g) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Blocks "1" and "2", including single family and two family dwellings under Site Plan Control; and,
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (i) That upon finalization of the implementing Zoning By-law, the approved Kernighan Neighbourhood Plan be amended to redesignate Blocks "1" and "2" from "Civic & Other Institutional" and "Utilities" to "Single & Double & Attached Housing" Residential and to recognize the road pattern and lotting configuration as shown on the revised draft plan of

subdivision. In addition, a notation should be added to the Kernighan Neighbourhood Plan to indicate that Street "A", between Street "B" and West 5th Street, may be closed to vehicular traffic at some future date when Picino Street is constructed to the north. Street "A" will be retained as a public walkway.

3. **Zoning Application 97-42 and Subdivision Application 97-08 ("Tiffany Park") by Vispar Holdings Inc., Owner, for Changes in Zoning for Lands Located West of Upper Paradise Road and South of Kordun Street, Known Municipally as 1016, 1062 and 1088 Upper Paradise Road.**

Paul Mallard advised that the application is to prevent the designation of 25 single family lots, seven lots for semis, 26 neo-traditional singles and two neo-traditional semis. There are reduced front yard setbacks. There is special provisions for porches. The areas for neo-traditional structures will be under site plan control. There is a revised wording for the recommendation.

Alderman Charters questioned rear pools being prohibited.

Alderman Eisenberger explained that a building permit is no longer required for a pool.

Paul Mallard suggested that the prohibition of pools be registered on title.

Nick Corrado, 2201 Brant Street South, Burlington, was present as agent on behalf of the applicant. He stated that garages will be in the rear instead of the front. This is popular in the G.T.A. since there is more play area for children in the back and the side of the house.

Anthony DiCenzo was present on behalf of the adjoining property owner to the north. He stated that they would prefer to see 50' frontages along Upper Paradise.

As recommended by the Director of Planning and Development in a report dated 1998 June 16, the Committee recommended to Council following as amended:

- A. (a) That approval be given to amended Subdivision Application 97-08 (Regional File No. 25T-98001), Vispar Holdings Inc., owner, to establish a draft plan of subdivision "Tiffany Park", on lands located west of Upper Paradise Road and south of Kordun Street in the Falkirk West Neighbourhood, as shown on the attached map marked as Appendix "E", subject to the following conditions:
 - (i) That this approval apply to the plan, as revised in red, prepared by Wellington Consultants Ltd. and certified by Dan McLaren, O.L.S. of A.T. McLaren Ltd, dated June 11, 1998, showing 51 lots for single detached dwellings, 9 lots for semi-detached dwellings, 1 block for townhouse units, 11 blocks to be developed with the abutting lands for single family dwellings, 3 blocks for 0.30 m reserves, 2 blocks for a temporary sewer easement, 1 block for parkland, 1 block for open space purposes, and 4 streets

identified as Streets "A", "B", "C" and "D", attached as Appendix "F"; and,

- (ii) That the Owner dedicate Block "72" to the City of Hamilton for park purposes. Block "72" is not to be dedicated to the City of Hamilton until such time as the Owner has carried out an archaeological assessment of the entire development property and the Ministry of Citizenship, Culture & Recreation has confirmed in writing that all archaeological resource concerns have been met with respect to licensing and resource conservation requirements; and,
- (iii) That the proposed streets be named from the City of Hamilton reserved street name list to the satisfaction of the City of Hamilton and the Regional Municipality of Hamilton-Wentworth; and,
- (iv) That the owner prepare and submit, to the satisfaction of the Director of Planning, a municipal street numbering plan; and,
- (v) That the final plan conform with the Zoning By-law approved under the Planning Act; and,
- (vi) That the owner provide the City of Hamilton with a certified list showing the net area and width of each lot and the gross area of the subdivision in the final plan; and,
- (vii) That the owner shall erect a sign in accordance with Section XI of the subsequent agreement, prior to the issuance of a final release by the City of Hamilton; and,
- (viii) That the Owner agree to include the following clauses in the subdivision agreement, and that the warning clauses be registered on title of all lots within the plan of subdivision abutting Upper Paradise Road and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:
 - 1. *"Purchasers are advised that noise levels originating from Upper Paradise Road may become of concern, occasionally interfering with some activities of the occupant."*
 - 2. *"Purchasers are advised that under the provisions of the Zoning By-law applicable to the subject lands, swimming pools are not permitted."*
- (ix) That the Owner agree to include the following clause in the subdivision agreement, and that the warning clause be registered on title of all lots within the plan of subdivision

fronting onto Street "C" and that the owner ensure that warning clauses are included on all offers of purchase and sale and reservation agreements to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers are advised that Street 'C' is to be extended southerly to connect with the future street access to Upper Paradise Road"

- (x) That the Owner provide fencing to all residential lots adjacent to the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail to the satisfaction of the Commissioner of the Regional Environment Department, the Manager of Parks, Parks Division, Department of Public Works and Traffic and the Hamilton Region Conservation Authority; and,
- (xi) That Block "A" not be registered until such time as the grading plan for the subject lands, including the lands located within the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail, has been approved by the Commissioner of the Regional Environment Department and the Manager of Parks, Parks Division, Department of Public Works and Traffic. Depending on the final grading, the size and shape of Block "61" may be reduced; and,
- (xii) That the Owner dedicate Block 73, being the "Tiffany Creek ESA" buffer which incorporates the bicycle path/pedestrian trail, to the City of Hamilton for open space purposes; and,
- (xiii) That the right of way of Street "A" be shifted southerly approximately 4 m to ensure that the lane alignment with the school access on the east side of Upper Paradise Road is in accordance with the City of Hamilton standard mid-block collector street cross section. The final alignment will be determined at the Engineering Plan stage and this roadway shift must be to the satisfaction of the Commissioner of Transportation; and,
- (xiv) That any works required, as a result of the final engineering design of the intersection of Street "A" and Upper Paradise Road, on lands of the School Board to align and/or widen the access of the School Board to match the mid-block intersection pavement width on Street "A" are the sole responsibility of the applicant/owner; and,
- (xv) The Street "A" be established at a 26 m width road allowance from the widened limits of Upper Paradise Road to 90 m westerly and that the transition points between road allowance width changes be clearly shown so that the north side of the road allowance will have a

3.0 m transition and the south side will have a 1.0 m transition; and,

- (xvi) That the applicant must submit a plan showing the lotting and driveway locations for Lots 15 to 19 inclusive and Lots 46 to 49 inclusive and finalize the driveway locations to the satisfaction of the Commissioner of Transportation and the Commissioner of Public Works and Traffic. A covenant must be registered on title for each of Lots 15 to 19 inclusive and Lots 46 to 49 inclusive showing the approved driveway location; and,
- (xvii) That a centreline radius on Street "A" of 120 m, adjacent to Lots 29, 35 and 36 should be clearly identified on the plan; and,
- (xviii) That 2 m by 2 m road widening daylight triangles be established on the inside of all the L-shape bends in the roadways. These include Block 62, Lot 24 and Lot 28; and,
- (xix) That a 12 m by 12 m daylight triangle, established at the widened limits of Street "A" and Upper Paradise Road, be shown as a Block on the final plan and dedicated to the City by Certificate for road widening purposes; and,
- (xx) That the phasing of this subdivision be to the satisfaction of the City Engineer. The maximum number of residential units temporarily dependent on a single street access shall not exceed 100 units; and,
- (xxi) That the southerly six (6) residential lots (shown as Lots 5 to 10 inclusive) and the temporary sewer easement fronting on Upper Paradise Road not be registered until such time as either Upper Paradise Road is realigned vertically to provide required motorists sight lines to the satisfaction of the Commissioner of Transportation or until such time as the total costs for this vertical realignment of Upper Paradise Road, as noted above, has been secured in an executed subdivision agreement to the satisfaction of the Commissioner, Regional Environment Department; and,
- (xxii) That the alignment of the westerly north-south street shown as Street "D" on the plan be to the satisfaction of the Commissioner of Transportation; and,
- (xxiii) That the final plan be revised to provide a minimum centreline radius for Street "D" of no less than 250 m adjacent to Lots 34, 25 and 26 to the satisfaction of the Commissioner of Transportation; and,
- (xxiv) That Lot 1 must have a minimum frontage of 4.5 m outside of the limits of the 12.0 m by 12.0 m daylight

triangle, in order to provide access to Upper Paradise Road; and,

- (xxv) That Street "C", Block 61 and Lots 21 to 28 (inclusive) not be registered until the Falkirk West Neighbourhood Plan is amended to indicate a public street connection south of the mid-block collector street southerly to connect with the east-west street shown on lands to the south of this draft plan; and,
- (xxvi) That the Owner not require the issuance of Building Permits for those Lots and Blocks for that portion of the temporary sewer easement adjacent to Upper Paradise Road that abut onto the temporary turnaround at the end of Street "C", until such time as Street "C" is extended to connect to a highway to the south of this plan; and,
- (xxvii) That the Owner provide a "temporary" turnaround at the south end of Street "C" to the satisfaction of the City Engineer; and,
- (xxviii) That the applicant/owner submit a tree preservation plan for all trees within the Upper Paradise Road allowance, as widened. This plan must be prepared by a qualified Arborist or Landscape Architect and must include all existing trees, including caliper and species, and whether the trees will be retained or removed. The costs of any tree removal and replacement are the sole responsibility of the applicant/owner; and,
- (xxix) That Blocks 62 to 71, inclusive be developed in conjunction with the abutting lands; and,
- (xxx) That the Owner clearly define "Block 73" and its boundaries on the plan to the satisfaction of the Director, Planning and Development Department, the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department; and,
- (xxxi) That the intersection of Street "A" with Streets "C" and "D" intersect at right angles to the satisfaction of Commissioner of Transportation and the Commissioner of Public Works and Traffic; and,
- (xxxii) That the Owner satisfy the following conditions to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering, Regional Environment Department:
 - 1. That the Owner prepare and implement an erosion and sediment control plan for the subject property. The approved plan should include the following requirements and notes:

- a. The approved erosion and sediment control plan shall show a limit of work fence located approximately 5 metres from the identified edge of the wetland/ESA boundary; and,
 - b. All erosion and sediment control measures shall be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - c. All erosion and sediment control measures shall be inspected after each rainfall and a summary inspection report, prepared by a qualified engineer, shall be submitted to the satisfaction of the City Engineer; and,
 - d. Any disturbed areas not scheduled for further construction within 45 days shall be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,
 - e. All disturbed areas shall be revegetated with permanent cover immediately following completion of construction.
2. That the Owner prepare and implement a detailed grading plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority; and,
 3. That the Owner prepare and implement a stormwater management plan for the subject property. The plan shall address water quantity and quality issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater management guidelines are implemented; and,
 4. That the Owner install a 1.5 metre high continuous chain link fence along the rear property boundary adjacent to the Tiffany Creek wetland/ESA of Block 74 to the satisfaction of the Hamilton Region Conservation Authority; and,
 5. That the above noted conditions be included in the Subdivision Agreement for the subject lands; and,

(xxxiii) The owner must enter into a subdivision agreement with the City of Hamilton prior to the development of any portion of these lands; and,

- (xxxiv) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of these lands; and,
- (b) That the Subdivision Agreement be entered into by the Corporation of the City of Hamilton and the owner to provide for compliance with the conditions of approval established by the Regional Municipality of Hamilton-Wentworth with respect to this application (25T-98001), Visplar Holdings Inc., owner, proposed draft plan of subdivision, and that the City execute the agreement when the said conditions have been met and the City's share of the cost of installing municipal services has been approved by City Council; and,
- (c) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- B. That approval be given to Amended Zoning Application ZAC-97-42, Visplar Holdings Inc., owner, for changes in zoning from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Blocks "1", "2", "3", "4"); from "C" (Urban Protected Residential, etc.) District to "D" (Urban Protected Residential - One and Two Family, etc.) District (Block "5") and from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District (Block "6") for lands located west of Upper Paradise Road and south of Kordun Street, known municipally as 1016, 1062 and 1088 Upper Paradise Road, as shown on the attached map marked as Appendix "E", on the following basis:
- (a) That Blocks "1", "2", "3" and "4" be rezoned from "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District; and,
- (b) That Block "5" be rezoned from "C" (Urban Protected Residential, etc.) District to "D" - 'H' (Urban Protected Residential - One and Two Family, etc. - Holding) District; and,
- (c) That Block "6" be rezoned from "AA" (Agricultural) District to "RT-20" (Townhouse - Maisonette) District; and,
- (d) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O. 1990, to Block "5", by introducing the holding symbol 'H' as a suffix to the proposed Zoning District. The holding provision will prohibit the development of the subject lands until such time as Upper Paradise Road has been realigned to the satisfaction of the Commissioner of Transportation.
- City Council may remove the 'H' symbol, and thereby give effect to the "D" District provisions as stipulated in the By-law, by enactment of an amending By-law once the condition is fulfilled; and,
- (e) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variance as a special requirement:

That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a lot width of at least 11.0 metres and an area of at least 325.0 square metres shall be provided and maintained;

- (f) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "3", be modified to include the following variance as a special requirement:

That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 18.0 metres and an area of at least 500.0 square metres shall be provided and maintained;

- (g) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "1", "2" and "3", be modified to include the following variances as special requirements:

- (i) That notwithstanding Section 10A.(3)(i) of Zoning By-law No. 6593, the following shall apply:
- 1) A front yard having a depth of not less than 3.0 m to the main wall of the dwelling;
 - 2) A front yard having a depth of not less than 6.0 m to the garage or carport;
- (ii) That lot coverage of all buildings and structures shall not exceed 40% of the lot area;
- (iii) That lot coverage shall mean the percentage of the lot area covered by a building or buildings including accessory buildings;
- (iv) That notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;

- (h) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Block "4" be modified to include the following variances as special requirements;

- (i) That notwithstanding Section 10.(4)(i) of Zoning By-law No. 6593, for a single family dwelling a width of at least 12.0 m and a lot area of at least 350.0 square metres shall be provided and maintained;
- (ii) That notwithstanding Section 10.(4)(ii) of Zoning By-law No. 6593, for a two family dwelling a lot width of at least 18.0 metres and an area of at least 505.0 square metres shall be provided and maintained;

- (i) That the "D" (Urban Protected Residential - One and Two Family, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to Blocks "4" and "5", be modified to include the following variances as special requirements:

- (i) that notwithstanding Section 10.(3)(i) of Zoning By-law No. 6593, a front yard of a depth of at least 4.5 metres shall be provided and maintained;
 - (ii) a roofed-over porch having a minimum width of 30% of the lot width and a minimum depth of 2.0 m shall be provided and maintained for every single family dwelling and two family dwelling;
 - (iii) that notwithstanding Section 18.(3)(d) of Zoning By-law No. 6593, a roofed-over porch shall be setback at least 1.0 metres from the front lot line;
 - (iv) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a single family dwelling one side yard of at least 0.9 metres and one side yard of at least 2.7 metres shall be provided and maintained;
 - (v) that notwithstanding Section 10.(3)(ii) of Zoning By-law No. 6593, for a two family dwelling a side yard of at least 2.7 metres shall be provided and maintained;
 - (vi) no single family dwelling shall be situate less than 3.7 metres from a single family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building;
 - (vii) no two family dwelling shall be situate less than 7.4 metres from a single family dwelling or two family dwelling situate on the abutting lot or tract of land, measured between the exterior walls of the building;
 - (viii) that in addition to the requirements of Section 18A. of Zoning By-law No. 6593, a T-shaped manouvering area shall be provided and maintained in the rear yard for each single family dwelling;
 - (ix) for every single family dwelling and two family dwelling, one of the required parking spaces shall be provided and maintained in a detached garage;
 - (x) lot coverage of all buildings and structures shall not exceed 40% of the lot area;
 - (xi) lot coverage shall mean the percentage of the lot area covered by a building or buildings including accessory buildings;
 - (xii) that notwithstanding Section 18.(4) of Zoning By-law No. 6593, a swimming pool shall not be permitted;
- (j) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S - 1405, and that the Blocks "1", "2", "3", "4" and "5" on Zoning District Map W-37D be notated S - 1405; and,

- (k) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-37D for presentation to City Council;
- (l) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding the lands identified as Blocks "1", "4" and "5", including single family and two family dwellings, to Schedule "A";
- (m) That the City Solicitor be directed to prepare a By-law to amend By-law 79-275 to place the lands identified as Blocks "1", "4" and "5", including single family and two family dwellings, under Site Plan Control;
- (n) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (o) That upon finalization of the implementing Zoning By-law, the approved Falkirk West Neighbourhood Plan be amended to redesignate Blocks "1", "2" and "3" from "Single and Double" Residential to "Innovative Housing" and to recognize the road pattern and lotting configuration as shown on the proposed draft plan of subdivision.

4. Zoning Application 98-16, by Daniel Ford, Owner, for a Change in Zoning from "G-3" District to "D" District, for Lands Located at the Rear of 27 Albert Street.

As recommended in a report dated 1998 June 8 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

That approval be given to Zoning Application 98-16, Daniel Ford, owner, for a change in zoning from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential -One and Two Family Dwellings, etc.) District, for lands located at the rear of No. 27 Albert Street, as shown on the attached map marked as Appendix "G", to permit development of the lands in conjunction with the front portion of No. 27 Albert Street for one single-family dwelling, on the following basis:

- (a) That subject lands be rezoned from "G-3" (Public Parking Lots) District to "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District; and,
- (b) That the amending Zoning By-law, which has been prepared in a form satisfactory to the City Solicitor, be presented to City Council for adoption; and,
- (c) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (d) That the Approved Blakely Neighbourhood Plan be amended by redesignating the lands at No. 27 Albert Street from "Medium Density Apartments" to "Single and Double Residential", upon finalization of the implementing Zoning By-law.

5. **Zoning Application 98-19, by Jacinto Arruda, Owner for Changes in Zoning from "C" District to "R-4" District for Block "1", and from "AA" District to "R-4" District for Block "2", for Lands Located at 349 and 535 Acadia Drive.**

As recommended in a report dated 1998 June 8 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

That approval be given to Zoning Application 98-19, Jacinto Arruda, owner, for changes in zoning from "C" (Urban Protected Residential, etc.) District (Block "1") and "AA" (Agricultural) District (Block "2") to "R-4" (Small Lot Single Family Dwelling) District, to permit two small lot detached dwellings, for the lands located at Nos. 349 and 353 Acadia Drive, as shown on the attached map marked as Appendix "H", on the following basis:

- (a) That Block "1" be rezoned from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family Dwelling) District; and,
- (b) That Block "2" be rezoned from "AA" (Agricultural) District to "R-4" (Small Lot Single Family Dwelling) District; and,
- (c) That the amending Zoning By-law, which has been prepared in a form satisfactory to the City Solicitor be presented to City Council for adoption; and,
- (d) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

6. **Zoning Application 98-11, by St. Nicholas Ukrainian Catholic Parish, Applicant, for a Modification to the "D" District, for Lands Located at 260 Melvin Avenue.**

As recommended in a report dated 1998 June 17 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-98-11, St. Nicholas Ukrainian Catholic Parish, applicant, requesting a modification to the "D" (Urban Protected Residential - One and Two Family Dwelling, etc.) District, to permit the development of a two storey, 36 unit senior citizens multiple dwelling, in conjunction with the existing church and rectory, for property located at 260 Melvin Avenue, as shown on the attached map marked as Appendix "I", on the following basis:

- (a) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances as special requirements:
 - (i) That notwithstanding Section 4.(3)(a) of Zoning By-law No. 6597, a senior citizens multiple dwelling will be permitted on the same lot as an institutional building; and,
 - (ii) That notwithstanding Section 10.(1), a two storey senior citizens multiple dwelling, with a maximum of 36 units, including a common dining room and kitchen as accessory uses, shall be

- permitted in conjunction with an existing church and rectory;
and,
- (iii) That notwithstanding Section 10.(3)(ii), an easterly side yard of not less than 7.8 m shall be provided and maintained; and,
 - (iv) That notwithstanding Section 10.(3)(iii), a rear yard depth of not less than 12.8 m shall be provided and maintained; and,
 - (v) That notwithstanding Section 18A.(1)(c) of Zoning By-law No. 6593, one loading space of 9.0 m x 3.7 m x 4.3 m shall be provided and maintained; and,
 - (vi) That notwithstanding Section 18A.(7) of Zoning By-law No. 6593, not more than 46 parking spaces of 2.7 m x 5.5 m shall be permitted on the surface parking area; and,
 - (vii) That notwithstanding Section 18A.(14g), parking provided and maintained in the required front yard shall be set back not less than 3.0 m from the front lot line; and,
 - (viii) Notwithstanding Section 18A.(24)(b)(i), the existing westerly access drive shall be not less than 4.5 m in width; and,
 - (ix) Notwithstanding Section 18A.(25), the existing westerly access drive shall be permitted adjacent to the residential district abutting the westerly lot line for a distance of not more than 71.2 m from the northerly lot line; and,
 - (x) That notwithstanding Section 18A.(25), the access ramp for the senior citizens multiple dwelling shall be setback a minimum of 2.5 m from the westerly lot line; and,
 - (xi) A minimum 2.5 m wide planting strip shall be provided and maintained along the westerly lot line for a distance of not less than 50.7 m from the south lot line; and,
 - (xii) A minimum 50% of the lot area shall be provided and maintained as landscaped area; and,
 - (xiii) For the purposes of this by-law, a "senior citizens multiple dwelling" shall mean a multiple dwelling wherein all residents are not less than 55 years of age.
- (b) That the amending By-law be added to Section 19B of zoning By-law No. 6593 as Section S-1407, and that the subject lands on Zoning District Map W-46 be notated S-1407; and,
 - (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-46 for presentation to City Council; and,
 - (d) That the proposed change in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area.

7. **Zoning Application 98-14 by H.G.H. Developments Ltd. (A. DeSantis), Owner, for Changes in Zoning from "JJ" District to "HH" District for Block "1", and a Modification to the "HH" District for Block "2", for Lands Located at No. 237-247 Centennial Parkway North.**

As recommended in a report dated 1998 June 16 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

That approval be given to Zoning Application ZAC-98-14, H.G.H. Developments Ltd. (A. DeSantis), owner, requesting a change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District modified (Block "1"), and a modification to the "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "2"), to permit commercial development, for lands located at Nos. 237 - 247 Centennial Parkway North, as shown on the attached map marked as Appendix "J", on the following basis:

- (a) That Block "1" be rezoned from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,
- (b) That the "HH" (Restricted Community Shopping and Commercial, etc.) District regulations, as contained in Section 14A of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified to include the following variances as special provisions:
 - (i) That notwithstanding Section 14A. (3)(a), no front yard setback shall be provided or maintained for the southerly building only on Block "2"; and,
 - (ii) That notwithstanding Section 14A.(3)(c), a rear yard of a depth of at least 4.5 m shall be provided and maintained to the westerly lot line; and,
 - (iii) That notwithstanding Section 18A.(1)(d) of Zoning By-law No.6593, a minimum of one loading space measuring 18.0m x 3.7m x 4.3m shall be provided and maintained; and,
 - (iv) That not more than one access driveway shall be provided and maintained along the easterly lot line; and,
 - (v) That not more than two access driveways shall be provided and maintained along the southerly lot line; and,
 - (vi) That a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly lot line, except for the area used for an access driveway; and,
 - (vii) That a landscaped area having a minimum average width of 3.0 m but not less than 1.0 m in width, shall be provided and maintained along the entire easterly 70.0 m of the southerly lot line, except for any area used for an access driveway.

- (c) That the amending By-law be added to Section 19B of Zoning By-law No.6593 as Schedule S-1408, and that the subject lands on Zoning District Map E-103 be notated S-1408; and,
- (d) That the City Solicitor be directed to prepare a by-law to amend Zoning By-law No. 6593 and Zoning District Map E-103 for presentation to City Council; and,
- (e) That the proposed changes in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

8. Official Plan Amendment - Protection of Rental Housing Stock

Submissions were received from the following:

- (a) Don Jaffray, Social Planning and Research Council, Hamilton
- (b) Yolisa Nongauza, #3-60 Emerald Street South, Hamilton
- (c) Arthur Weisz, Effort Trust, 242 Main Street East, Hamilton

Bill Janssen gave a brief history of the application. He stated that there was a public meeting on May 26 and a number of issues and questions were raised. He stated that the Planning Department is trying to address concerns and have suggested changes. There were some questions with regard to the CMHC rates. The Hamilton District Apartment Association also has data which may be used as additional data but the CMHC will still be followed. Local versus sub-market rates were an issue, therefore there has been a reduction of zones to four - the west, central, east and mountain areas. Some market areas are to be applied to lower rentals that is lower than the average for Hamilton. Structural audits were also suggested but this is to owners to administer, therefore the revised policy states an overall vacancy rate of 2% for the entire City. There is an additional recommendation to direct staff to prepare a By-law and this should be as an amendment to the recommendation before the Committee.

Dennis Ralston, 97 1/2 King Street East, Hamilton, was present. He is President of the United Disabled Concerns Association. He questioned how many units were for the disabled, elderly, physically impaired and wheelchair accessible. He stated that there should be an importance placed on universal design and handicapped parking and that none of these issues have been brought up.

Shelley Remple, Executive Director of Housing Help Centre, was present. She stated that the City should regulate conversion and conserve and protect the rental housing stock.

Craig Burley, 1 Lamoureau Street, Unit 37, Hamilton, was present. He stated that it is important to protect lower income housing units. He does not want to be "ghettoized" because he cannot afford to live in a condo. He is worried that owners will increase the rent over the City average in order to allow them to be converted therefore he suggested that when this criteria is being implemented a three to five year span of the rental rates should be considered.

Vicky Julian of the Mental Health Rights Coalition, was present. She stated that there is a need for a stable and affordable livable environment for all people. We must have affordable housing everyone. Landlords must convert by following the legal process and the Committee must protect the rights of the tenants.

Renata Monteil of the Women's Centre of Hamilton-Wentworth, 75 MacNab Street South, Hamilton, was present. She stated that there are single mothers, single women, abused women looking towards independence and senior women who require good, affordable housing. There needs to be a sufficient supply to suit their needs. A vacancy rate of 2% is too low, it should be 3%.

Scott Warwick of Dundurn Legal Services, was present. He stated that there is a necessity of providing affordable housing in Hamilton. It should be a 3% vacancy rate as a criteria, not 2%. Three per cent is more reflective of other municipalities. He also stated that the sub-market vacancy rate should be applied across the board.

Allan Whittle of the Good Shepherd Centre, 135 Mary Street, Hamilton, was present. He explained that he has people staying in his facility and that they are paid by the government on a per diem basis. It is very costly and he suggested that it would be more cost effective if there was more affordable housing for the people concerned.

Paula Randazzo, President of the Labourhood Homes Resource Centre, was present. She stated that currently there are affordable, accessible. By taking away controls, rental costs will increase.

Anthony DiCenzo, 1070 Stonechurch Road East, Unit 41, on behalf of various investors, was present. He thanked staff for meeting with him regarding concerns of the Official Plan Amendment. He stated that the Committee is dealing with private property rights. He stated that there have been rent controls and controls on conversions, and now the government has removed controls giving private owners the rights over their property. He stated that the starting point should be the new Tenant Protection Act. In his opinion the Official Plan Amendment is contrary to the policy in legislation. The intent of the Official Plan Amendment is geared toward the protection of affordable accommodation. He explained that we must look at the City as a whole and must look at the availability of rental stock. He proposed a number of minor revisions which he submitted to the Committee suggesting modifications to the recommendation. He stated that his clients' goal is to come out of their investments without losing any money.

Tony DeSantis of A. DeSantis Real Estate Ltd. Management Co., was present. He stated that renters are paying 2 1/2 times the taxes as property owners.

Hugh Tye, Executive Director of Hamilton Mountain Legal Services, was present. He stated that the decision should speak to low-income tenants. The City does have the authority to regulate land use. He suggested a 3% criteria for vacancy rate throughout the City.

Alderman Copps concurred and stated that the rate should be 3%. She also added that the conversions should be required to be made accessible.

Alderman Haining stated that 2% is the Provincial average. Conversions in his ward have been very successful.

Alderman Caplan stated that if we are to look at the average rents of property for the past three to five years that the recommendation be amended to reflect occupied units only.

Alderman Horwath stated that the Planning and Development Committee needs to look at planning, not development, with regard to this issue. The Committee is charged to deal with controls on land. There should always be some concern about mix of

housing. Mix of housing by its own will be taken away if this recommendation is implemented. She stated that in her opinion a compromise in the recommendation has gone too far and that this type of proposal will not maintain the housing stock in each area. She also suggested increasing the criteria for the vacancy to 3% and that it is political to look at sub-market zones as a criteria.

Alderman Eisenberger stated that what the Committee presently has before it is a compromise of all parties concerned.

An amendment was placed on the floor to consider in the criteria the rent of owner occupied rental units for the previous 3-5 years in the calculations. The amendment was carried.

As recommended in a report dated 1998 June 12 from the Director of the Planning and Development Department, the Committee recommended the following recommendation, as amended, to Council:

- (a) That approval be given to the proposed Official Plan Amendment to establish policies and to introduce a new Schedule for the protection of the rental housing stock, on the following basis:

- (i) That a new Schedule "K" - Local Housing Market Zones be added to the Official Plan; and,
- (ii) That the following new policies be added to Subsection C.7 - Residential Environment and Housing Policy as follows:

"C.7.11 To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

- (i) (a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the preceding twenty-four (24) months; and,
- (b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,
- (c) the existing market rent levels in occupied units for the units proposed to be converted are not below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type; or,
- (ii) (a) the rental vacancy rate by dwelling/structure type for the City has been at or above 2.0% for the

preceding twenty-four (24) months;
and,

- (b) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City; and,
- (c) if the existing market rent levels in occupied units for the units proposed to be converted are below the average market rent levels for the City for rental units of a similar dwelling/structure type and bedroom type, the rental vacancy rate by dwelling/structure type for the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months; or,
- (iii) Notwithstanding i) and ii) and only in response to special circumstances, Council is satisfied the removal of the rental housing units will not adversely affect the supply of rental housing in the City.

C.7.12 Demolition of rental apartment and/or townhouse units comprised of six or more units will be permitted provided one of the following criteria is met:

- (i) the building is determined to be structurally unsound through the submission of a structural audit, prepared by a qualified professional, and such audit is deemed acceptable by the City; or,
- (ii) one of the criteria as set out in Policy C.7.11.

C.7.13 (i) For the purposes of policies C.7.11 and C.7.12, the statistical data used for rental vacancy rates, rent charges, dwelling/structure types will be determined by the rental market surveys conducted by the Canada Mortgage and Housing Corporation (CMHC). Other available statistical data on rental market trends may be used to supplement the CMHC statistics; and,

- (ii) Schedule "K" identifies the following local housing market zones for purposes of analyzing the Hamilton housing market:
 - (a) Central Hamilton
 - (b) East Hamilton
 - (c) West Hamilton
 - (d) Hamilton Mountain
- (b) That the Council adopted policy in regard to condominium conversions and demolitions endorsed by Council on May 26, 1998 be rescinded; and,
- (c) That Planning and Development Department staff undertake a review of the Official Plan policies in regard to condominium conversions and demolitions within a two-year period.
- (d) That the Director of Planning and Development be directed to prepare a By-law, in a form satisfactory to the City Solicitor, for submission to the Regional Municipality of Hamilton-Wentworth for approval.

9. Stinson Neighbourhood Plan

Vanessa Gruppe gave a brief description of the Stinson Neighbourhood Plan. She claimed that the Plan provides for a good basis for community planning.

Loch Harrison, 68 Tisdale Avenue South, Hamilton, was present. He stated that the Committee was excited about the whole process. They saw ways to improve the quality of life and decrease threats.

The Committee accounted for the past and looked forward to designing for the future. He thanked the Planning Department Staff for their commitment to the plan and all the other various departments and staff. He also thanked the Committee members for their hard work.

Alderman Horwath stated that a lot of meetings to place and a lot of effort was put in to this process. She thanked all those involved.

Alderman Corsini reiterated Alderman Horwath's sentiments and stated his support for the plan.

Mayor Morrow thanked the Ward Aldermen and all the others mentioned. He explained that Mr. Costi has a plan for the flowering of the escarpment in the Corktown Neighbourhood. He would like to see that plan as soon as possible. He supported the Plan and wished everyone well.

Alderman Copps stressed the fact that every community should have a Neighbourhood Plan.

As recommended in a report dated 1998 June 18 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

- (a) That the Stinson Neighbourhood Plan Update - 1998, as distributed to the Members of Council under separate cover be adopted; and,

- (b) That the Stinson Implementation Schedule, attached as Appendix "K", be adopted as the means for carrying out the Stinson Neighbourhood Plan, and that it be forwarded to the appropriate Departments for action.

10. Mayor R.M. Morrow

(a) Use of Vacant Downtown Properties

A discussion ensued with regard to vacant downtown properties, such as the Running Pump lands. Mayor Morrow suggested that this area can be sodded and that benches could be placed on the property. He also suggested that murals be painted on the surrounding walls.

Alderman Corsini added that sites such as the Plastimet site should be ameliorated. He suggested that a By-law be drafted to require that owners not leave their properties fenced or boarded up.

Following a brief discussion, the Committee concurred to direct staff to prepare a report on grassing and improving vacant properties in the downtown area and throughout the City and that this report be brought back to the Committee immediately. In addition to this, the Committee concurred with Alderman Corsini that an element of outdoor art be incorporated in these improvements.

(b) Parking Lot Restrictions

Following a brief discussion, the Committee directed staff to prepare a report on addressing site plan requirements for landscaping and cosmetic enhancements to parking lots and that this report be brought forward to the Planning and Development Committee.

(c) Longwood Road and King Street West

A discussion ensued regarding Longwood road and King Street West and why there is no landscaping required in the site plan.

Len King stated that he would advise the Mayor on this matter. He added that parking lot restrictions are only applied to new parking lots but that at a recent Finance and Administration Committee meeting, a Licensing By-law was passed which would be retroactive and states that parking lot owners must comply with all requirements within 12 months.

Victor Abraham added that the property on Longwood and King Street West is not landscaped because it is under the "H" zone.

11. Chief Administrative Officer - Downtown Issues

(a) Downtown Loan/Grant Programs

The Chief Administrative Officer stated that with regard to the Downtown Loan/Grant Program the \$650,000 is broken up into several parts - \$200,000

has already been approved for a Convert-to-Rent Program and \$400,000 is for matching a grant in the Core Heritage Program.

Juris Berzins, an architect, went over the presentation with regard to the Core and the Gore. He stated that they are trying to help the Gore help itself to revitalization. Physical improvements to the building are critical to its success. He stated that they are attempting to educate the owners of the properties as to what they can and cannot do. Twelve building owners are in the process of making improvements on their properties on King Street East.

Development by Argon is already taking place at the old Woolworth's building. The City has made the facade great. The way this is done is that the City gives the owner a design of how they would like to see the property look. After that the owners get interested and an analysis is done. The project is growing and has been successful and very generous.

The Mayor stated that he is thrilled with this program and that it has been a long time coming. He thanked Nina Chapple for her help.

In response to a question from the Mayor with regard to the Delta, Mr. Berzins has advised that the owners are working with an in-house architect.

Alderman Corsini was concerned about potential tax increases.

The Chairperson thanked the Mayor, Nina Chapple, LACAC and staff for all their work towards these initiatives.

Following discussion, the following recommendations were approved:

(a) Downtown Loan Programs

As recommended in a report dated 1998 June 15 from the Building Commissioner, the Committee recommended to Council as follows:

- (a) That of the \$650,000 approved in the 1998 Capital Budget for downtown rehabilitation loans and grants, \$400,000 be allotted to the Core Heritage Program; and,
- (b) That of the \$650,000 approved in the 1998 Capital Budget for downtown rehabilitation loans and grants, \$250,000 be allotted to the Convert/Renovate-to-Rent Loan Program in addition to the \$200,000 approved in the 1998 Capital Budget for this program; and,
 - (i) That the current funding limit of four (4) units per deeded property, under the Convert/Renovate-to-Rent Loan Program, be replaced with a new limit of eight (8) units per deeded property; and,
 - (ii) That the Convert/Renovate-to-Rent Loan Program be renamed the Convert/Renovate-to-Residential Loan Program; and,

- (iii) That the Convert/Renovate-to-Rent Loan Program be made available to developers of condominium conversions of non-residential to residential, provided that the developer provides acceptable collateral security; and,
- (iv) That the current per unit maximum funding limit of \$12,000 per unit, be increased to a maximum of \$20,000 for conversions/renovations in excess of 600 square feet per unit at the rate of \$20 per square foot to adequately reflect the cost of upgrading and new construction; and,
- (c) That the loan interest charged to new borrowers under the existing Commercial Property Improvement Loan Program (CPILP) be reduced from half of prime to zero per cent interest, except when the borrower is in default in which case interest shall be charged on arrears at the same rate as that prescribed for property tax arrears; and,
- (d) That the loan interest charged to new borrowers under the existing Hamilton Community Heritage Fund Program be reduced from 2% interest to zero per cent interest, except when the borrower is in default in which case interest shall be charged on arrears at the same rate as that prescribed for property tax arrears; and,
- (e) That the Hamilton Halton Home Builders' Association be requested to provide, under their downtown project, their inventory and design concepts and analysis of buildings in the International Village B.I.A. and Downtown B.I.A. for building owners to utilize; and,
- (f) That the Building Commissioner and the Chief Administrative Officer be given authority to approve downtown loan and grant applications that meet program criteria and that Information Reports on such approvals be provided to the Planning and Development Committee; and,
- (g) That the following Community Improvement Plans be amended to incorporate the program changes recommended:
 - (i) The Concession Street Community Improvement Plan; and,
 - (ii) The Downtown Hamilton Community Improvement Plan; and,
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan; and,
 - (iv) The International Village Community Improvement Plan; and,
 - (v) The Main Street West Community Improvement Plan; and,
 - (vi) The Ottawa Street Community Improvement Plan; and,
 - (vii) The Westdale Village Community Improvement Plan; and,
 - (viii) The Barton General Community Improvement Plan; and
 - (ix) That Barton Village Community Improvement Plan; and,

- (h) That the City Solicitor be directed to prepare the necessary By-laws amending the Community Improvement Plans as per part (g) of the aforementioned recommendation; and,
- (i) That the Planning and Development Committee convene a public meeting regarding the amendments to the Community Improvement Plans.

(b)(i) Core Heritage 2000 Program

As recommended in a report dated 1998 June 16 from the Chief Administrative Officer, Director of the Planning and Development Department and the Building Commissioner, the Committee recommended to Council as follows:

- (a) That the City of Hamilton, pursuant to its mandate of Community Improvement and Renewal under the Planning Act, implement the heritage funding program known as the "Core Heritage 2000 Program" (as generally outlined in the attached Appendix "L") to provide matching grants to owners of buildings for facade restoration; improvement of storefront design, including installation of canopies; and improvement to commercial signage for the area defined in the Downtown Hamilton Community Improvement Plan (Queen St. to Cannon St. to Victoria Ave. to Hunter St.); and,
- (b) That, as a pre-condition of eligibility, that a Facade Improvement Study be prepared and adopted by Council for each specific area or streetscape; and,
- (c) That the Facade Improvement Study initiated by the International Village BIA and prepared by Juris E. Berzins, Urban Designer, in March 1992, be adopted in principle and utilized (details to be reviewed at time of application) for King Street East, Mary Street to Wellington Street; and,
- (d) That a Facade Improvement Study be undertaken by the Planning and Development Department for the block on King Street East between Catharine Street and Mary Street; and,
- (e) That the James North Heritage District Plan by Nicholas Hill be adopted as the basis for Facade Designs on James North; and,
- (f) That the Core Heritage 2000 Program be extended to tenants of eligible properties within the Downtown Hamilton Community Improvement Project Area; and,
- (g) That the Gore Heritage 2000 Program criteria, approved by City Council on 1997 April 8, be amended to be consistent with the Core Heritage 2000 Program criteria; and,
- (h) That Planning and Development Committee convene a public meeting to receive citizen input on the Core Heritage 2000 Program's eligibility criteria and the changes to the Downtown Hamilton Community Improvement Plan.

(b)(ii) Gore Heritage 2000 Program

The Committee was in receipt of a report dated 1998 June 18 from the Director of the Planning and Development Department.

(c) Enforcement of Property Standards By-law - Downtown Community Improvement Area

As recommended in a report dated 1998 June 15 from the Building Commissioner, the Committee recommended to Council as follows:

That the Building Department be authorized and directed to adopt a "proactive" approach on enforcement of the Property Standards By-Law on commercial buildings in the Downtown Community Improvement Project Area, using procedures of the by-law to effect improvements in property.

(d) Loans to Tenants - City Wide

As recommended in a report dated 1998 June 15 from the Building Commissioner, the Committee recommended to Council as follows:

- (a) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan Program, (attached as Appendix "M"), be approved; and,
- (b) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan/Grant Program applicable specifically to the Barton General Community Improvement Plan, (attached as Appendix "N"), be approved, and,
- (c) That the eligibility criteria for the tenant component of the Commercial Property Improvement Loan/Grant Program applicable specifically to the Barton Village Community Improvement Plan, (attached as Appendix "O"), be approved, and,
- (d) That, in accordance with the Planning Act, the Planning and Development Committee convene a public meeting to receive citizen input on the tenant eligibility criteria and the changes to the relevant Community Improvement Plans; and,
- (e) That the Community Improvement Plans be amended to incorporate the program changes recommended:
 - (i) The Concession Street Community Improvement Plan; and,
 - (ii) The Downtown Hamilton Community Improvement Plan; and,
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan; and,
 - (iv) The International Village Community Improvement Plan; and,
 - (v) The Main Street West Community Improvement Plan; and,
 - (vi) The Ottawa Street Community Improvement Plan; and,
 - (vii) The Westdale Village Community Improvement Plan; and,
 - (viii) The Barton General Community Improvement Plan; and,
 - (ix) The Barton Village Community Improvement Plan; and,

- (f) That the City Solicitor be directed to prepare the necessary By-laws amending the Community Improvement Plans as per part (e) of the aforementioned recommendation; and,
- (g) That paragraph 2.10(b)(ii) of Schedule "A" to By-law No. 96-035, the Community Improvement Plans for the Concession Street, Downtown Hamilton, International Village, Main Street West, Ottawa Street North and Westdale Village Community Improvement Project Areas be amended by removing the word "not" in the paragraph reading "consent to a City Lien being registered on title to the property being improved in which the property owner must have at least 20% equity, after covering outstanding property encumbrances, *not* including the amount of the City's loans;".

12. DIRECTOR OF PLANNING AND DEVELOPMENT

Site Plan Control Application DA-98-13 by Chedoke Terrace Inc., Owner, for a 172 Townhouse Unit Development, for the Property Located at No. 100 Beddoe Drive

The Committee was in receipt of a submission from E.J. Fothergill, Fothergill Planning and Development Inc.

Alderman D'Amico declared a conflict of interest and left the room for the remainder of this item.

John Sakala advised that they have been working with the owners to improve the site by adding dormers and windows, especially at the rear. He also added that there is a small daylight triangle to be dedicated to the City and that this amendment be incorporated in the recommendation.

Mr. Fothergill stated that they have spent much time on the facade of the building facing the golf course. They are trying to work on the rear of the building. They have worked with staff and the Neighbourhood Association and have also had the scrutiny of the Niagara Escarpment Commission.

The Committee was in receipt of a report dated 1998 June 16 from the Director of the Planning and Development Department, the Committee approved the following:

That approval be given to Site Plan Control Application DA-98-13 by Chedoke Terrace Inc., owner, for development of 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as Appendix "P", on the following basis:

- (a) modifications to the plans in relation to notes, dimensions, fencing and landscaping as marked in red on the plans; and,
- (b) submission of a revised Landscape Plan and Tree Preservation Plan to the satisfaction of the Niagara Escarpment Commission and the Director of the Planning and Development Department; and,
- (c) submission of a revised Grading Plan, a Stormwater Management Plan and an Erosion and Sediment Control Plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the

Manager, Development Engineering Section, Regional Environment Department; and,

- (d) provision that the Site Plan Agreement to be registered on title of the lands include a schedule outlining the approval of City Council of December 11, 1997 in the First Report of the Planning and Development Committee, Item 27 d(ii) through d(xviii), contained in the attached Appendix "Q"; and,
- (e) payment of the outstanding realty taxes; and,
- (f) provision of the following note on the Site Plan and Phasing Plan:
"Note: If the development proceeds as a condominium project, the phasing lines, as shown on the plans, may have to be revised to allow for the orderly development of the subject lands to ensure that each separate plan of condominium has adequate road access and that the appropriate servicing mechanisms can be established. In this regard, rights-of-way and servicing easements may have to be established to avoid joint-use agreements for municipal services and to ensure that each phase within the subject lands function in conjunction with the remaining phases." and,
- (g) dedication to the City of Hamilton of a small triangular parcel of land having approximate dimensions of 25m and 12.8m along the Beddoe Drive bend, adjacent to the southerly side of the property.

13. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Designation of King Street West Association as a Business Improvement Area

As recommended in a report dated 1998 June 18 from the Commissioner of Public Works and Traffic, the Committee recommended to Council as follows:

- (a) That a Business Improvement Area be designated on King Street West between Caroline Street and Queen Street as per Appendix "R" in accordance with the Business Association's request attached as Appendix "S"; and,
- (b) That the City Clerk's Department be authorized and directed to send out notices of the intention of Council to pass a by-law to designate King Street West from Caroline Street to Queen Street as a Business Improvement Area in accordance with Section 220 of the Municipal Act, R.S.O. 1990, c.M.45 as amended; and,
- (c) That the City Solicitor be directed to prepare a by-law designating a Business Improvement Area on King Street between Queen Street and Caroline Street as per Appendix 'A' in accordance with Section 220 of the Municipal Act.

14. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meetings held 1998 May 14 (Special Meeting), 1998 May 20 (Regular Meeting), 1998 May 26 (Special Meeting) were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. CITY SOLICITOR

Request for Validation Certificate "Randall Estates-Phase 6" Submission - 480, 486, 492, 498 and 504 Rexford Drive, dated 1998 June 15:

That the City Solicitor be directed to prepare a certificate of validation pursuant to the Planning Act for Blocks 10, 11, 12, 13 and 14, Plan 62M-657 and Part of Lots 3, 4, and 5, Registered Plan 1059 designated as Parts 5, 6, 7, 8, 9 and 10 on Reference Plan 62R-10203.

C. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Tenth Annual Public Service Announcement, dated 1998 June 11:

- (a) That the following prizes be awarded to Mohawk College broadcasting students for their submissions in the Tenth Annual Public Service Announcement (P.S.A.) competition. All of the P.S.A.'s contain messages about keeping Hamilton clean.

First Prize: Troy Hacock
Second Prize: Jaimie Thomas
Third Prize: Jaimie Harris

- (b) That funds be provided from Phase IV of the Downtown Action Plan for the first prize at \$700, second prize at \$500, and third prize at \$300 and a donation to Mohawk College Media Studies Department of \$1000 for development of the videos and use of equipment.

D. BUILDING COMMISSIONER

(i) 948 Burlington Street East - Removal of Tires and Debris Pursuant to The Municipal Act, dated 1998 June 4:

- (a) That the Building Commissioner be authorized to obtain three (3) quotes and subsequently proceed to have the property located at 948 Burlington Street East, cleared of old tires and debris to bring the subject property into compliance with City of Hamilton By-Law 84-35 and as authorized under The Municipal Act, Subsection 325, and specifically to do the work required to comply with the Order; and,
- (b) That the costs incurred for the removal of the tires and debris, together with administrative costs be added to the tax roll; and,
- (c) That the appropriate By-law to authorize the removal of the tires and debris be enacted by Council.

(ii) **Hamilton Emergency Loan Programme (H.E.L.P.) - 250 Fairfield Avenue North, dated 1998 May 14:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, nine hundred and seventy nine dollars (\$1,979) be approved for Raymond Young, 250 Fairfield Avenue North. The interest rate will be 2 per cent amortized over 5 years.

(iii) **Demolition-555 Sanatorium Road, Section H-32, dated 1998 June 12:**

That the Building Commissioner be authorized to issue a demolition permit for 555 Sanatorium Road, Building 32 in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(iv) **Demolition-555 Sanatorium Road, Section H-33, dated 1998 June 12:**

That the Building Commissioner be authorized to issue a demolition permit for 555 Sanatorium Road, Building 33 in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

(v) **Demolition-111 Hughson Street South, dated 1998 June 12:**

That the Building Commissioner be authorized to issue a demolition permit for the building located at 111 Hughson Street South in accordance with the Demolition Control By-Law 75-290 pursuant to the demolition control provisions of the Planning Act (Section 33); subject to the following conditions:

- (a) That the applicant has applied for and received a Site Plan Agreement with the Planning and Development Department; and,
- (b) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), the Site Plan Agreement.

(vi) **Commercial Property Improvement Loan Program (CPILP) - 448 Barton Street East, dated 1998 June 12:**

- (a) (i) That a loan increase of twenty-five thousand dollars (\$25,000) to Benny and Debra Bombardieri for improvements to 448 Barton Street East be approved subject to the fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total loan is now \$50,000. The interest rate is set at 3.25 per cent, amortized over ten years; and,
- (ii) That an increase in grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be approved to pay-down the increase of the Commercial Loan as per the terms of the Barton Street Revitalization Program; and,
- (b) (i) That an unsecured loan increase from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Benny and Debra Bombardieri, for

improvements to 448 Barton Street East be approved, subject to fulfilment of the borrowing requirements of the Commercial Property Improvement Loan Program. The total unsecured loan is now \$10,000. The interest rate is set at 3.25 per cent, amortized over 10 years; and,

- (ii) That a increase in grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

E. DIRECTOR OF PLANNING AND DEVELOPMENT

(i) Proposed Draft Plan of Condominium by 822938 Ontario Inc., In Trust (Bruno Megna) - 75 Glenburn Court, Riverdale West Neighbourhood, dated 1998 May 20:

- (a) That approval be granted to application CDM-CONV-98-003 submitted by 822938 Ontario Inc., In trust (Bruno Megna), owner, for a draft plan of condominium for property located at No. 75 Glenburn Court, as shown on the attached map marked as Appendix "T", to provide for a condominium comprised of 108 individual apartment condominium units, subject to the following conditions:
 - (i) That this approval applies to the attached draft plan dated 1998 March 16, attached as Appendix "U", prepared by Consoli & Jacobs Surveying Ltd.; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
 - (iv) That the owner shall have received the Certificate of Approval from the City of Hamilton pursuant to the Rental Housing Protection Act for the conversion of the

rental property to a condominium (Application CD-97-005); and,

- (v) That the owner shall have satisfied the following conditions of Committee of Adjustment decision A-97:183:
 - (1) The provision of a 1.32m (4.33') planting strip along the westerly lot line of the parking area; and,
 - (2) the provision and maintenance of a chain link fence at least 5' in height along the full length of the easterly property line (ravine edge).
 - (vi) That the owner, 822938 Ontario Inc., enter into an Encroachment Agreement with the City of Hamilton, to the satisfaction of the Roads Department;
 - (vii) That the owner shall have satisfied all requirements, financial and otherwise of the Regional Municipality of Hamilton-Wentworth and that the City be advised by the Regional Municipality of Hamilton-Wentworth that this condition has been carried out to its satisfaction. The clearance letter from the Regional Municipality shall include a brief statement for each condition detailing how it has been satisfied and carried out; and,
 - (viii) That the Director of Planning and Development shall have been satisfied that the conditions of approval are fulfilled or provided for as required.
- (b) That the Mayor and the City Clerk be authorized to grant draft approval by signing the draft plan; and,
 - (c) That the Mayor and City Clerk be authorized to sign the final plan of condominium once the requirements herein are completed.
- (ii) **Ontario Municipal Board Decision - Third Party/Billboard Sign By-law, dated 1998 June 9:**
- That staff of the Planning and Development Department and the Building Department be directed to establish a "working committee" with representation from the third party/billboard sign industry, to address matters related to third party/billboard signs.
- (iii) **Tariffs of Planning Fees By-law, dated 1998 June 8:**
- (a) That By-law No. 97-084 - Tariff of Planning Fees be amended on the following basis:
 - (i) That Section 1.(5)(i) of By-law No. 97-084 be amended by deleting the words "where the Regional Municipality of Hamilton-Wentworth approves the plan"; and,

- (ii) That Section 1.(5)(ii) of By-law No. 97-084 be amended by deleting the words "for a building being converted to a condominium, to be approved by the City of Hamilton" and replaced with "for an existing residential rental building"; and,
- (iii) That Section 2. of By-law No. 97-084 be repealed in its entirety and the following sections renumbered accordingly; and,
- (b) That the City Solicitor be directed to amend By-law No. 97-084 in accordance with (a) above.

(iv) "Timothy Survey - Phase 2", Hamilton (Cash Payment in Lieu of 5% Parkland Dedication), dated 1998 June 8:

That the City of Hamilton accept the sum of (twenty-seven thousand, five hundred dollars) \$27,500 as a cash payment in lieu of the 5% land dedication in connection with "Timothy Survey - Phase 2", Hamilton being the cash payment required under Section 51.1 of the Planning Act.

(v) Application to Remove Part-Lot Control for "Tiffany, Phase 1" Subdivision, dated 1998 June 16:

- (a) That approval be given to Part Lot Control Application 98-03, Chedoke Health Corporation, owner, to remove part-lot control for Lots 36 to 56, inclusive, located in "Tiffany, Phase 1", Registered Plan 62M-846, to permit the creation of maintenance easements, as shown on the attached map marked as Appendix "V"; and,
- (b) That the appropriate By-law to remove part lot control from Lots 36 to 56, inclusive Registered Plan 62M-846, "Tiffany, Phase 1" plan of subdivision, be enacted by Council; and,
- (c) That the exempting by-law be restricted to a 1 year effective time period to expire on July 1, 1999; and,
- (d) That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.

(vi) Amended Resolution - 41 and 51 Wilson Street and 99 John Street North, dated 1998 June 15:

That Section 1 of the Ninth Report of 1998 of the Planning and Development Committee, regarding ZAC-98-08, 41 and 51 Wilson Street and 99 John Street North as approved by Council on 12 May 1998, be amended as follows:

- (a) Section 1(a)(ii)(3) be deleted and replaced with the following:

"That notwithstanding Section 10F(6), a minimum lot area of 130.5 m² and a minimum lot width of 5.8 m shall be provided and maintained for each single family dwelling unit; and,"

- (b) Section 1(a)(ii)(5) be deleted and replaced with the following:

"That notwithstanding Section 18(3)(vi)(e), the uncovered front porch may extend 1.4 m above the floor level of the first storey."

- (c) add a new Section 1(a)(ii)(6) to read as follows:

"notwithstanding Section 10F(4)(a),(b) and (c), a minimum 5.3 m front yard and rear yard shall be provided and maintained for every cantilevered portion of the building within a bay, alcove and fourth storey."

F. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

- (i) **McMaster University, Intention to Designate Property - 1280 Main Street West, dated 1998 June 12:**

That City Council refer the heritage designation of 1280 Main Street West (Historic core of McMaster University) to the Conservation Review Board.

15. OTHER BUSINESS

None

16. ADJOURNMENT

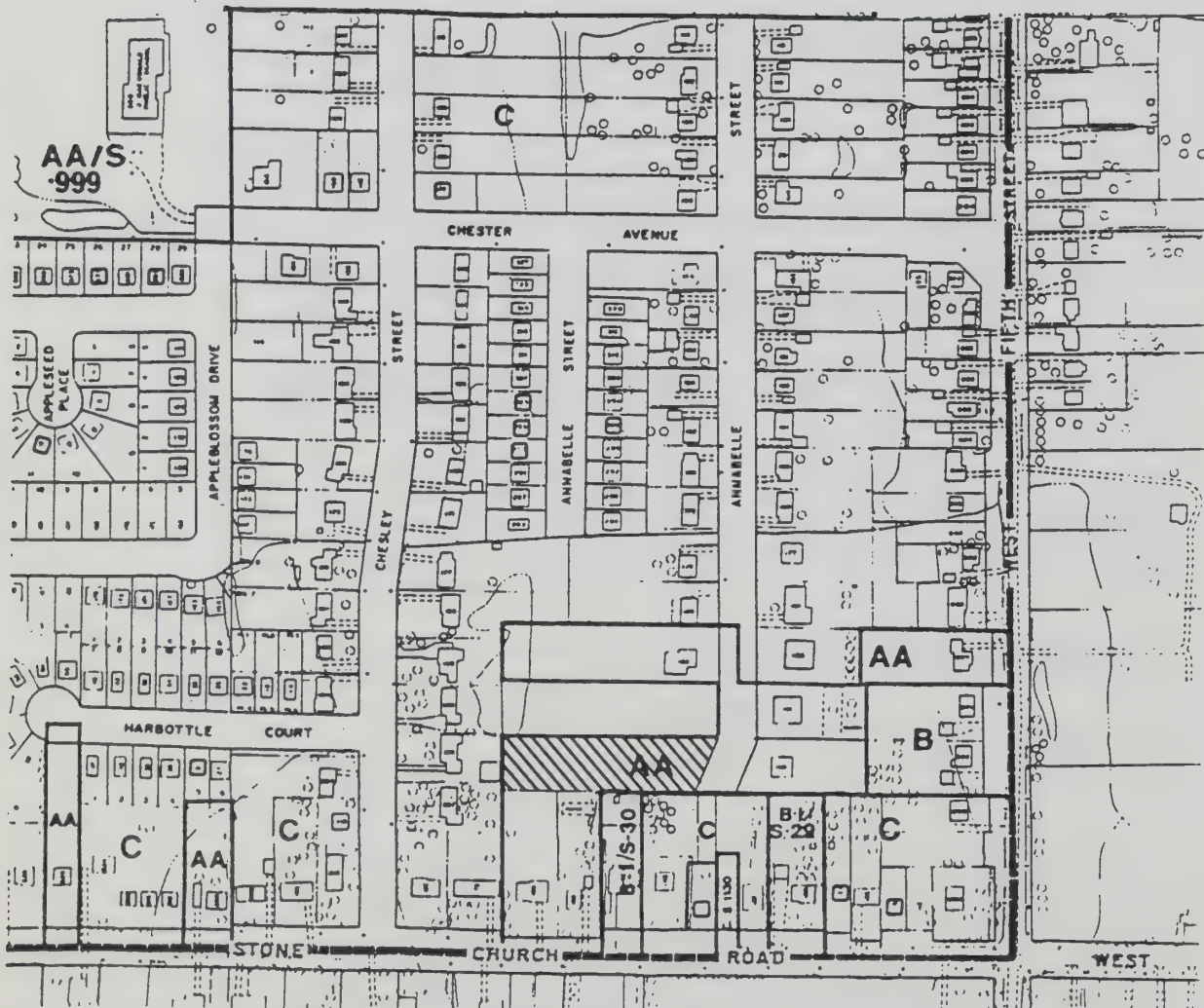
There being no further business, the Committee meeting adjourned.

**Alderman F. D'Amico, Chairman
Planning and Development Committee**

**Tina Agnello
Secretary**

/jt

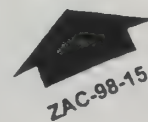
Appendix "A" as referred to in
Section 1A & 1B of the Planning and
Development Committee Minutes
dated 1998 June 24



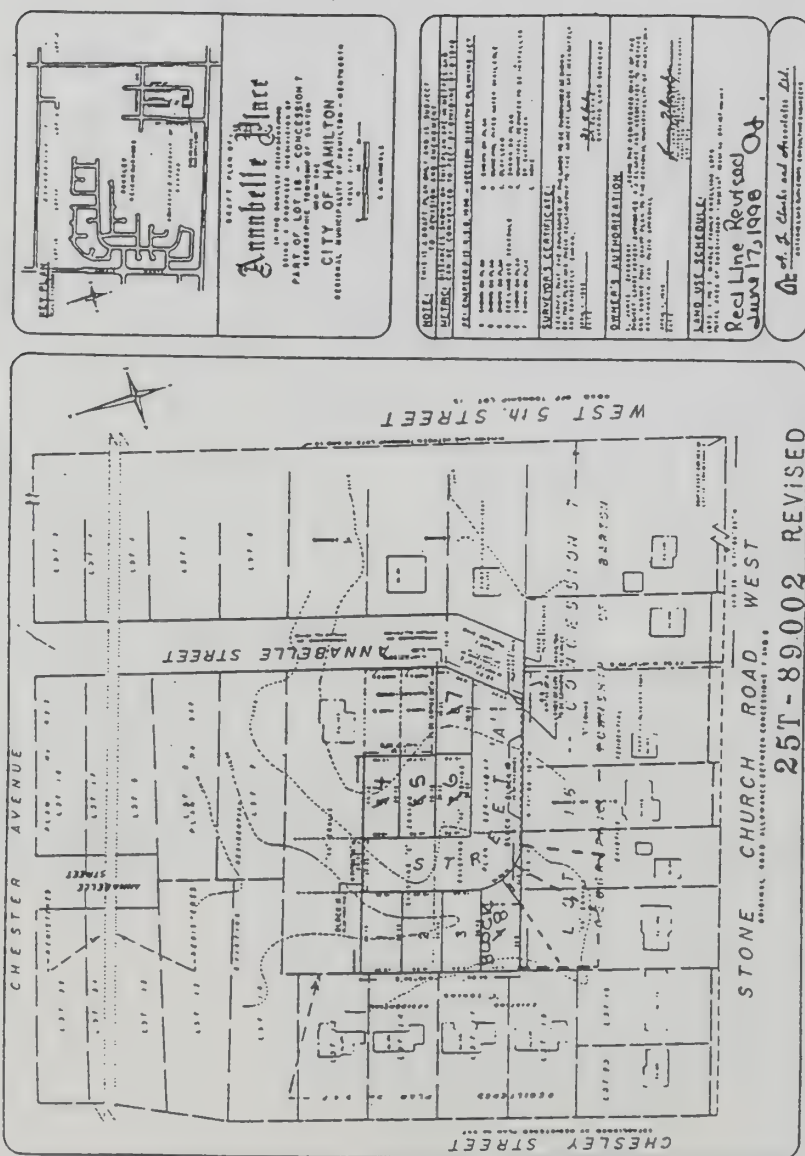
Legend



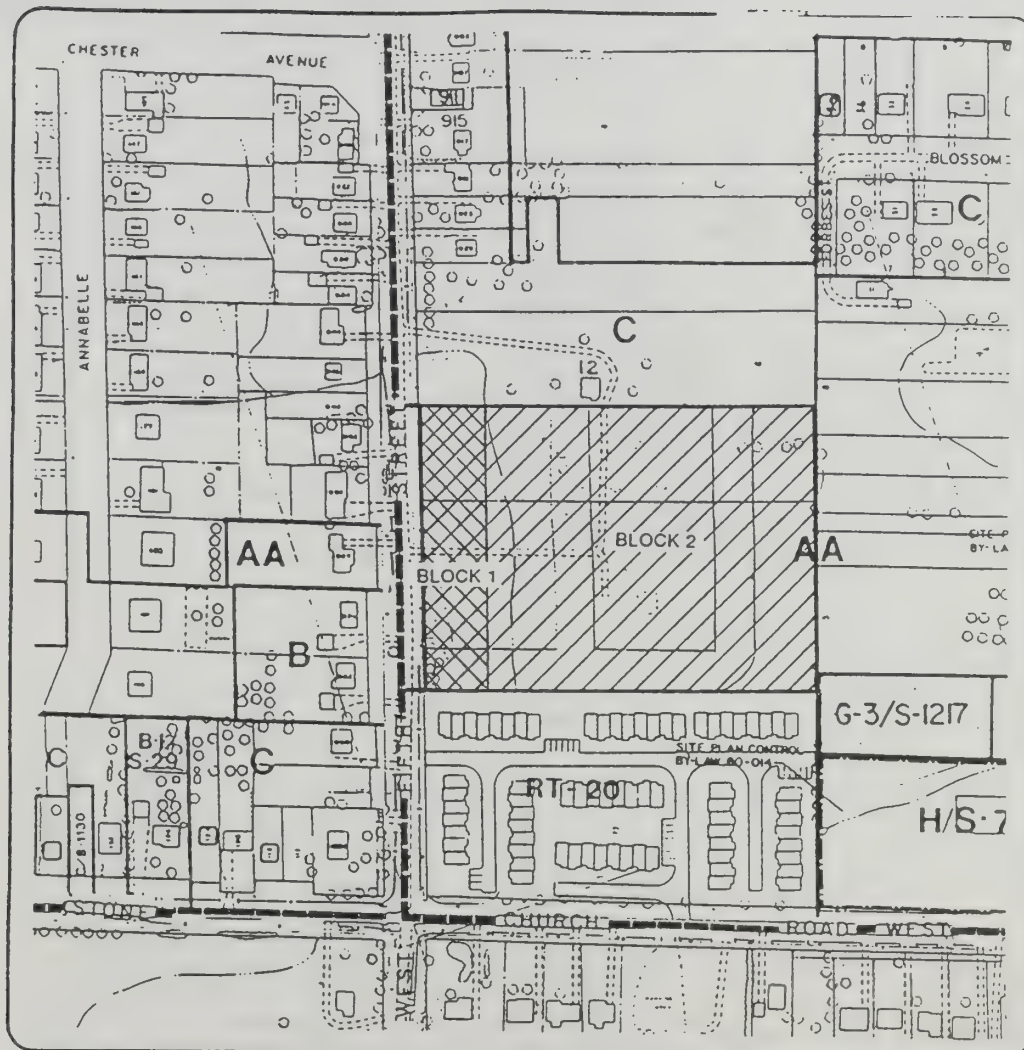
Site of the Application



Appendix "C" as referred to in
Section 2A(a) of the Planning
and Development Committee Minutes
dated 1998 June 24



Appendix "D" as referred to in
Section 2A(a)(i) of the Planning and
Development Committee Minutes
dated 1998 June 24



Legend

- BLOCK 1**
Change in zoning from "AA" (Agricultural)
District to "C" (Urban Protected Residential, etc.)
District.
- BLOCK 2**
Change in zoning from "AA" (Agricultural)
District to "D" (Urban Protected Residential -
One and Two Family, etc.) District, modified.

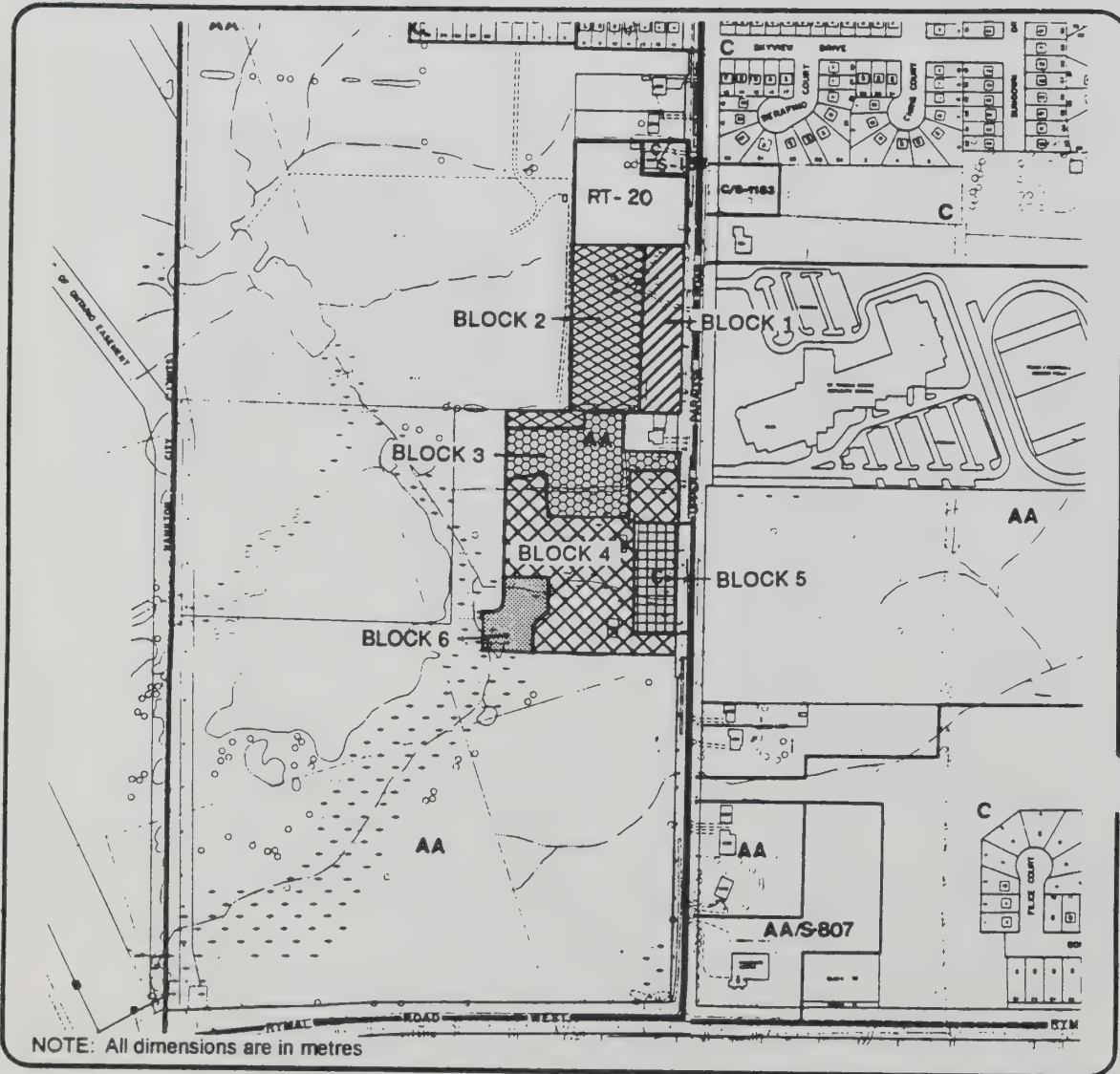
City of Hamilton

Location Map

Planning and Development Department

North 	Scale NOT TO SCALE	Reference File number ZAC 98-13
	Date June 1998	Drawn By R.L.

Appendix "E" as referred to in
Section 3A(a) & 3B of the Planning
and Development Committee Minutes
dated 1998 June 24



City of Hamilton

Location Map

Planning and Development Department

Legend

Change in zoning from:

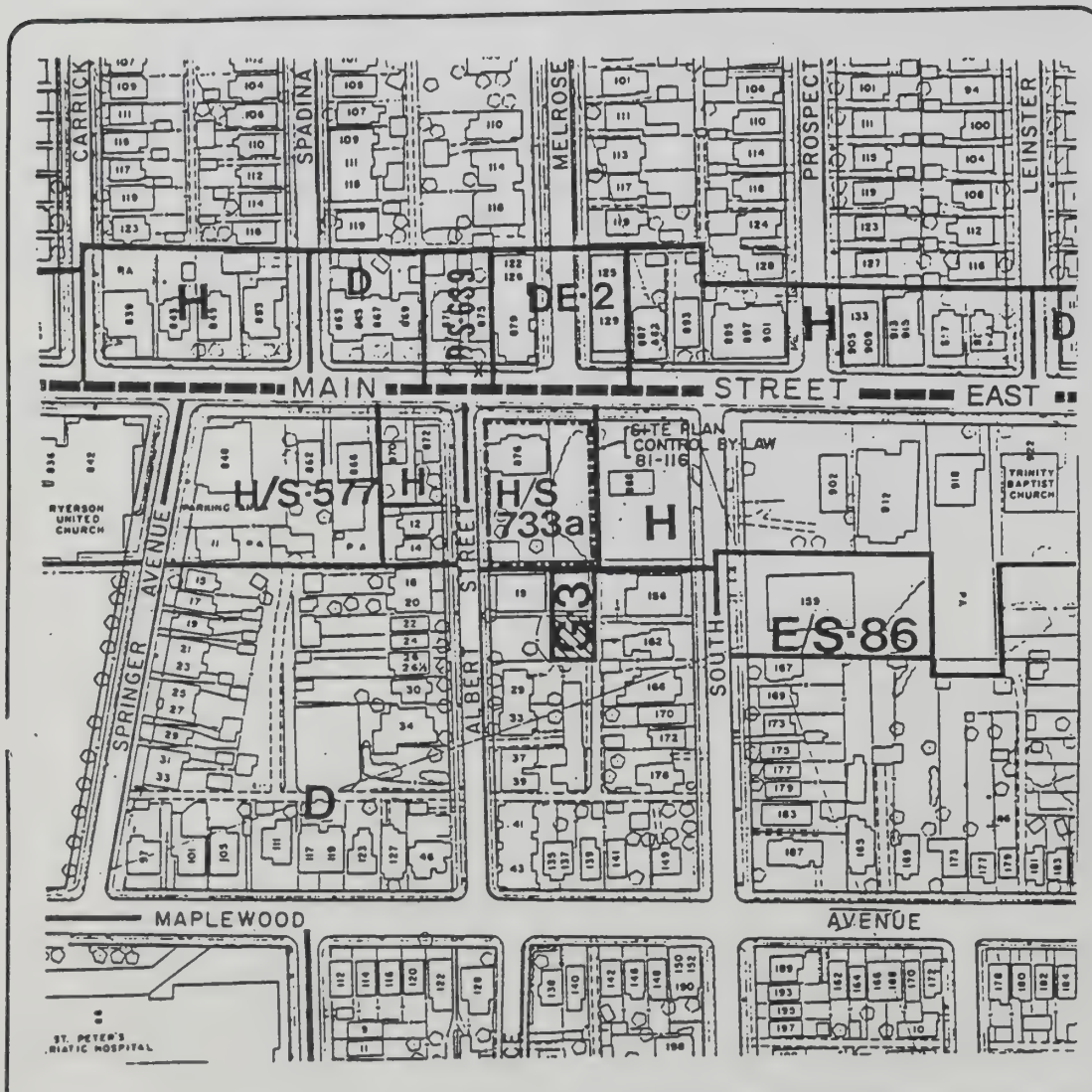
- BLK. 1 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 2 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 3 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 4 "AA" (Agricultural) District to "D" (Urban Protected Residential - One and Two Family, etc.) District
- BLK. 5 "C" (Urban Protected Residential, etc.) District to "D"-H' (Urban Protected Residential - One and Two Family, etc. Holding) District.
- BLK. 6 "AA" (Agricultural) District to "RT-20" (Townhouse-Maisonette) District.

North

Scale
Not to Scale
Date
MAY 1998

Reference File No
ZAC-97-42 & SAC-97-08
Drawn By
R.L.

Appendix "G" as referred to in
Section 4 of the Planning and
Development Committee Minutes
dated 1998 June 24



Legend



Site of the Application

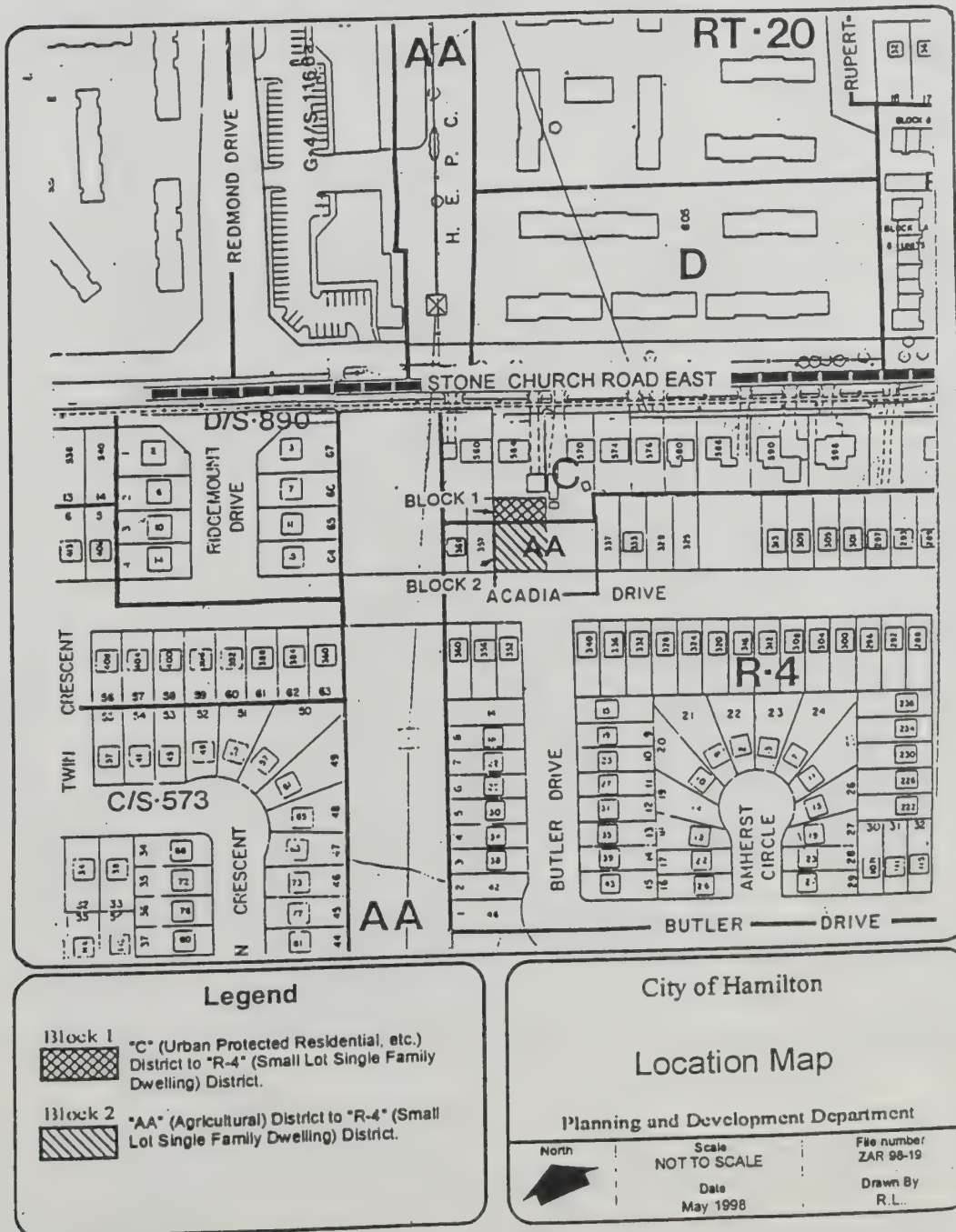
City of Hamilton

Location Map

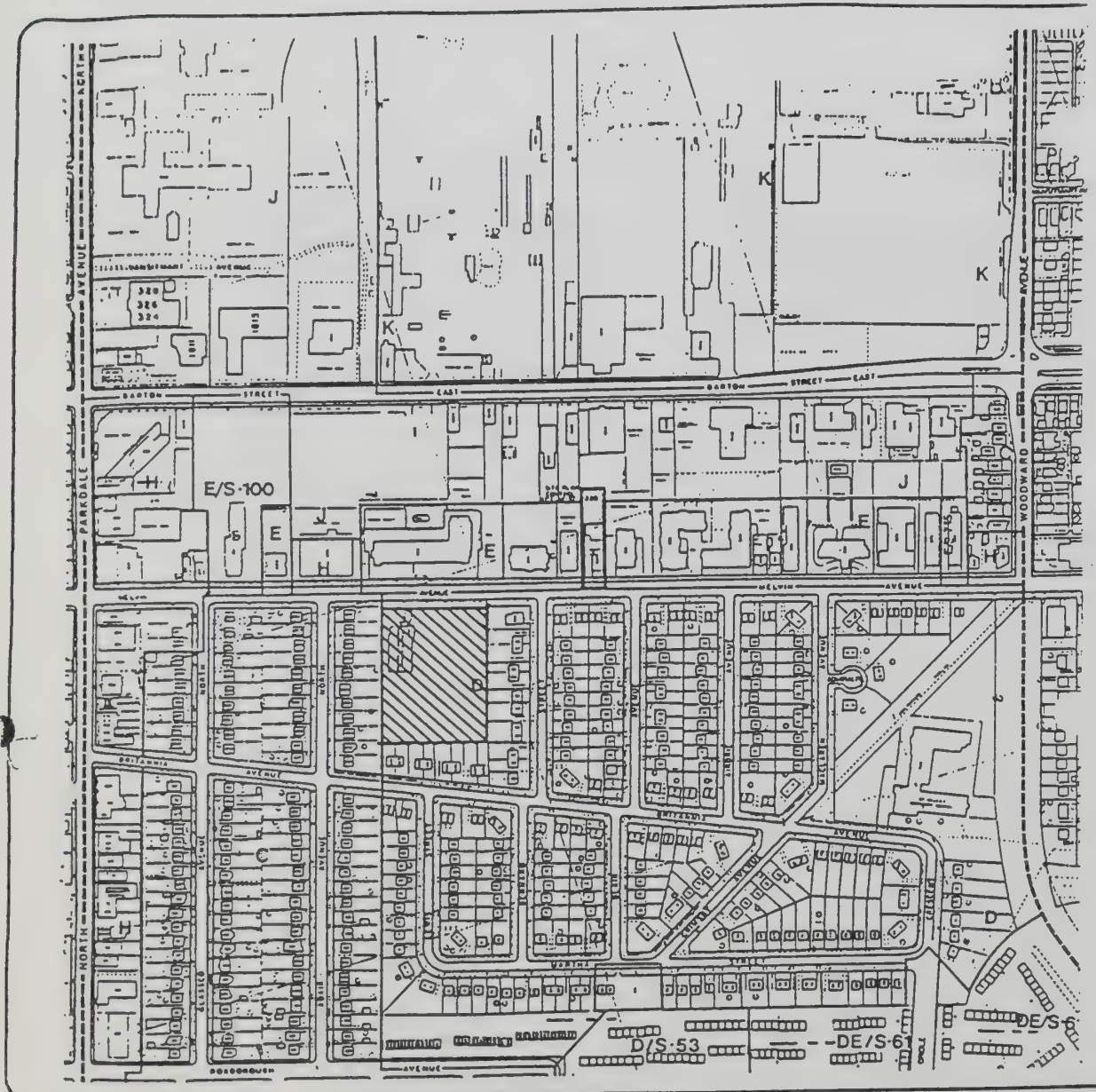
Planning and Development Department

Scale
NOT TO SCALEDate
April, 1998Reference File No.
ZAR-98-16Drawn By
R.L.

Appendix "H" as referred to in
Section 5 of the Planning
and Development Committee Minutes
dated 1998 June 24



Appendix "I" as referred to in
Section 6 of the Planning
and Development Committee Minutes
dated 1998 June 24



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



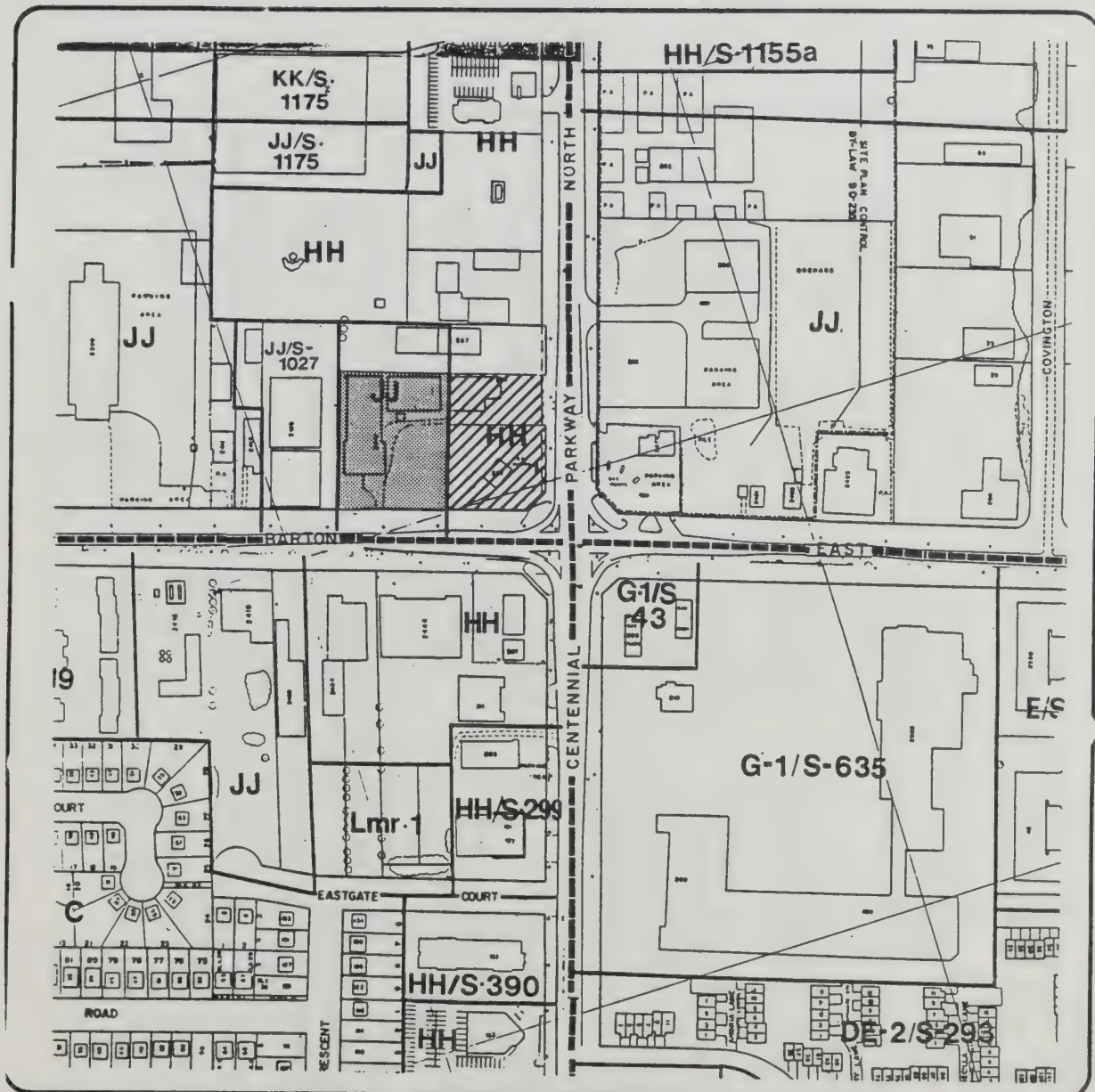
Scale
NOT TO SCALE

Date
FEBRUARY, 1990

Reference File
ZAC-98-11

Drawn By
D.L.

Appendix "J" as referred to in
Section 7 of the Planning
and Development Committee Minutes
dated 1998 June 24



Legend

BLOCK 1 Change in zoning from "JJ" (Restricted Light Industrial) District to "HH" (Restricted Community Shopping and Commercial, etc.) District.

BLOCK 2 Modification to the the "HH" (Restricted Community Shopping and Commercial, etc.) District.

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
May 1998

Reference File num.
ZAC 98-14

Drawn By
R.L.

Appendix "K" as referred to in
Section 9(b) of the Planning
and Development Committee Minutes
dated 1998 June 24

STINSON IMPLEMENTATION SCHEDULE

ACTION	BY	TIME FRAME	PRIORITY
1. Residential Care Facilities a) Rezoning studies to review the definitions of care related to residential care facilities	Planning Department and other departments	Short-term, underway	High
2. Building Heights a) Guidelines to be prepared and included in plan to identify desired maximum heights b) Rezoning to be undertaken to revise maximum permitted heights	Planning Dept. Planning Dept.	Short-term Medium-term	Medium Medium
3. Parks and Playgrounds a) New park to be provided in Corktown Neighbourhood, with links to Carter Park and Central Memorial b) New parks to be considered within Stinson; small sites, several locations, also further recreational facilities in long term	Public Works and Traffic Dept. Public Works and Traffic Dept.	Short-term, underway Long-term	High Medium
4. Open Space a) Escarpment area - Landscaping and trail system proposal to be reviewed and carried out	Public Works and Traffic Dept.; Stinson Association	Medium-term	Medium
5. Community Facilities a) Facilitate additional community use of schools, churches and other facilities	Stinson Community Association with various departments	Medium-term	Low
6. Heritage a) Heritage Districts - Review and preparation of conservation plans for one or more areas b) Heritage Poster(s) - Preparation of one or more posters to promote Stinson character and features	LACAC staff, with citizen committee LACAC staff, Stinson Community Assoc'n	Medium-term Medium-term	High Medium

STINSON IMPLEMENTATION SCHEDULE (CONTINUED)

ACTION		BY	TIME FRAME	PRIORITY
7. Design	a) Spot improvements - concepts for several locations to be carried out, including buildings, walls, streetscape	Property owners; Public Works and Traffic Dept.	Long-term	Medium
		Public Works and Traffic Dept.	Medium-term	Medium
8. Movement	a) Traffic calming study to identify possible improvements, to Stinson Street b) Rail trail to be extended through Stinson, with links to neighbourhood c) Bicycle route on Stinson Street to be retained	Public Works and Traffic Dept./Others	Medium-term	Medium
		Special Projects Office	Medium-term	Medium
		Special Projects Office	Medium-term	Medium
9. Public Participation	a) Notification of Stinson residents regarding applications and proposals to be improved b) Co-ordination of community-based planning studies to be undertaken by staff	Stinson Community Association	Short-term	High
		Planning Dept. and other Depts	Medium-term	Medium
10. Taxation	a) Review of innovative taxation approaches to provide funding for Stinson improvements in this plan	Planning Dept. Stinson Community Association	Medium	Medium
11. Implementation	a) Establishment of mechanism for implementing plan	Planning Dept., Stinson Plan Advisory Committee	Short-term	High

Appendix "L" as referred to in
Section 11(b)(i) of the Planning and
Development Committee Minutes
dated 1998 June 24

CORE HERITAGE 2000 PROGRAM

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the older downtown streetscapes from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Heritage Design Studies, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVEMENT TO STOREFRONT DESIGN

Purpose: To re-introduce the open, attractive traditional storefront design which gives maximum visibility both into and out of the stores, thereby attracting people to window shop or enter the store; also to encourage the use of canopies to provide protection for pedestrians against rain, snow and excessive sun as well as provide an attractive addition to the storefront.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Heritage Design Studies, as well as improvement to the commercial signage and installation of canopies, which follows.

Included also as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

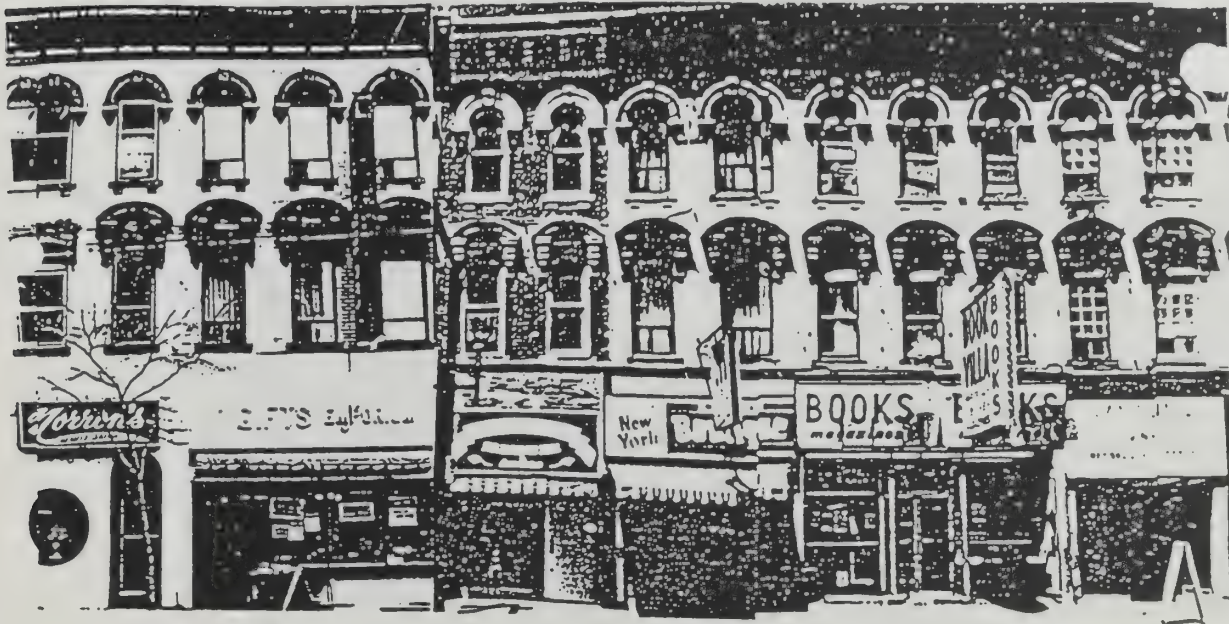
Purpose: To rediscover the inherent quality of the Gore by replacing the over-sized and excessive signage with ones which are clear, attractive, consistent and which together create an exciting downtown core.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Heritage Design Studies and the Signage Guidelines for the Gore. Design of the signage should fit with the character of the host building.

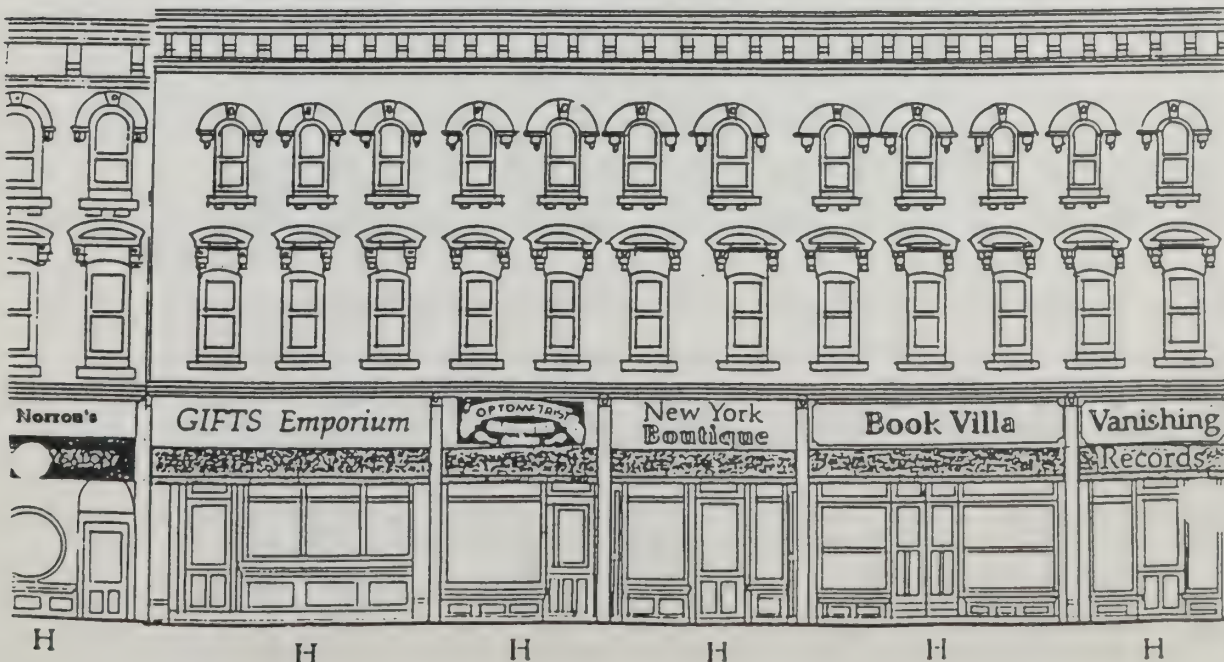


INTERNATIONAL VILLAGE BIA FACADE IMPROVEMENT STUDY

J.E.BERZINS, URBAN DESIGN CONSULTANTS



Norrn's	5 Gift's Emporium	5 Optometrist	5 New York Boutique	6 Book Villa	4 Vanishing P...
<ul style="list-style-type: none"> upgrade paint cornice chemical clean fascia repoint bricks 	<ul style="list-style-type: none"> upgrade paint cornice chemical clean fascia repoint bricks install signboard add signboard cornice add awning add basepanels install store windows 	<ul style="list-style-type: none"> upgrade paint cornice chemical clean fascia repoint bricks add signboard cornice add awning add basepanels install store windows 	<ul style="list-style-type: none"> upgrade paint cornice chemical clean fascia repoint bricks install signboard add signboard cornice add awning add basepanels install store windows 	<ul style="list-style-type: none"> add signboard add basepanels install store windows 	<ul style="list-style-type: none"> upgrade paint cornice chemical clean fascia repoint bricks install signboard add signboard cornice add awning add basepanels





Human House Restaurant	Bakery	Guy's Pet Shop	Kimba's	China Wai
<ul style="list-style-type: none"> • add upper storey • add pilasters • remove wood siding • add traditional door • add window mullions 	<ul style="list-style-type: none"> • add awning • add basepanels • add traditional door • chemical clean fascia 	<ul style="list-style-type: none"> • same as adjacent 	<ul style="list-style-type: none"> • same as adjacent 	<ul style="list-style-type: none"> • same as adjacent



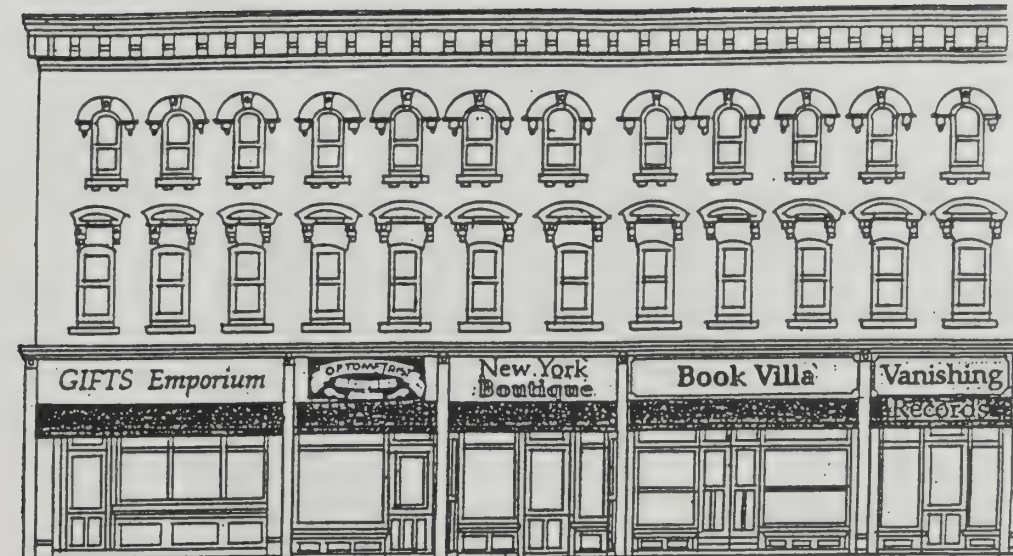


Fig. 9 Examples of Signage Types Which Follow the Victorian Theme
Signboard Heights Should be Coordinated with Adjacent Storefronts

5.3 Signage Program

The second most important problem in the BIA, is the quality and type of signage which is found in typical storefronts. Within the boundaries of the BIA, 40 % of the signage is in only fair condition and requires upgrading.

The typical conditions which are found, include; outdated, handpainted, unmaintained, oversized signage and no signboards. This condition has a negative impact on the area's image.

It is recommended that a Signage Program be implemented in the core. To this end, detailed design guidelines are provided for signage improvements. The Block Design Guidelines Analysis identifies fascia signage which should be removed, changed or modified. If signage is improved in a comprehensive manner the image of the area will be enhanced.

Recommendations

1. Signboards are to reinforce the 'Victorian' theme of the BIA in their style and type.
2. Traditional typefaces are recommended to reinforce the 'Victorian' theme in the implementation of signboards. Signboards are to be no more than 15% of the fascia elevation.
3. Each storefront should contain only 1 signboard. Duplicate, excess and overhead signage should be removed.
4. Where applicable, signboard cornices are to be incorporated above signboards to complete the signage detail.
5. Signboards are to be located between pilasters and below second storey



James Street North

HAMILTON

A HERITAGE CONSERVATION DISTRICT PLAN

Prepared by

Nicholas Hill
Architect · Planner
London



A large three storey late Victorian terrace of very fine proportions, scale and detail.



A finely detailed classical building of the mid 1800's,
with Georgian proportions.

Appendix "M" as referred to in
Section 11(d)(a) of the Planning
and Development Committee Minutes
dated 1998 June 24

SCHEDULE "A"

TENANT LOAN GUIDELINES

- 3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.
- 3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 3.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.
- 3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.)
- and the application fee of the greater of 1.5% of the loan or \$200;
- such other loan program administrative fees fixed by Council from time to time.
- 3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.

- 3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 3.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

Appendix "N" as referred to in
Section 11(d)(b) of the Planning
and Development Committee Minutes
dated 1998 June 24

SCHEDULE "A"
BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

- 5.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton General Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 5.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.
- 5.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 5.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 5.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
- 5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 5.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- 5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.

SCHEDULE "B"
BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.
19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.

Agg 0
Sect. 11(d)
(c)

Appendix "O" as referred to in
Section 11(d)(c) of the Planning
and Development Committee Minutes
dated 1998 June 24

SCHEDULE "B"
BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN

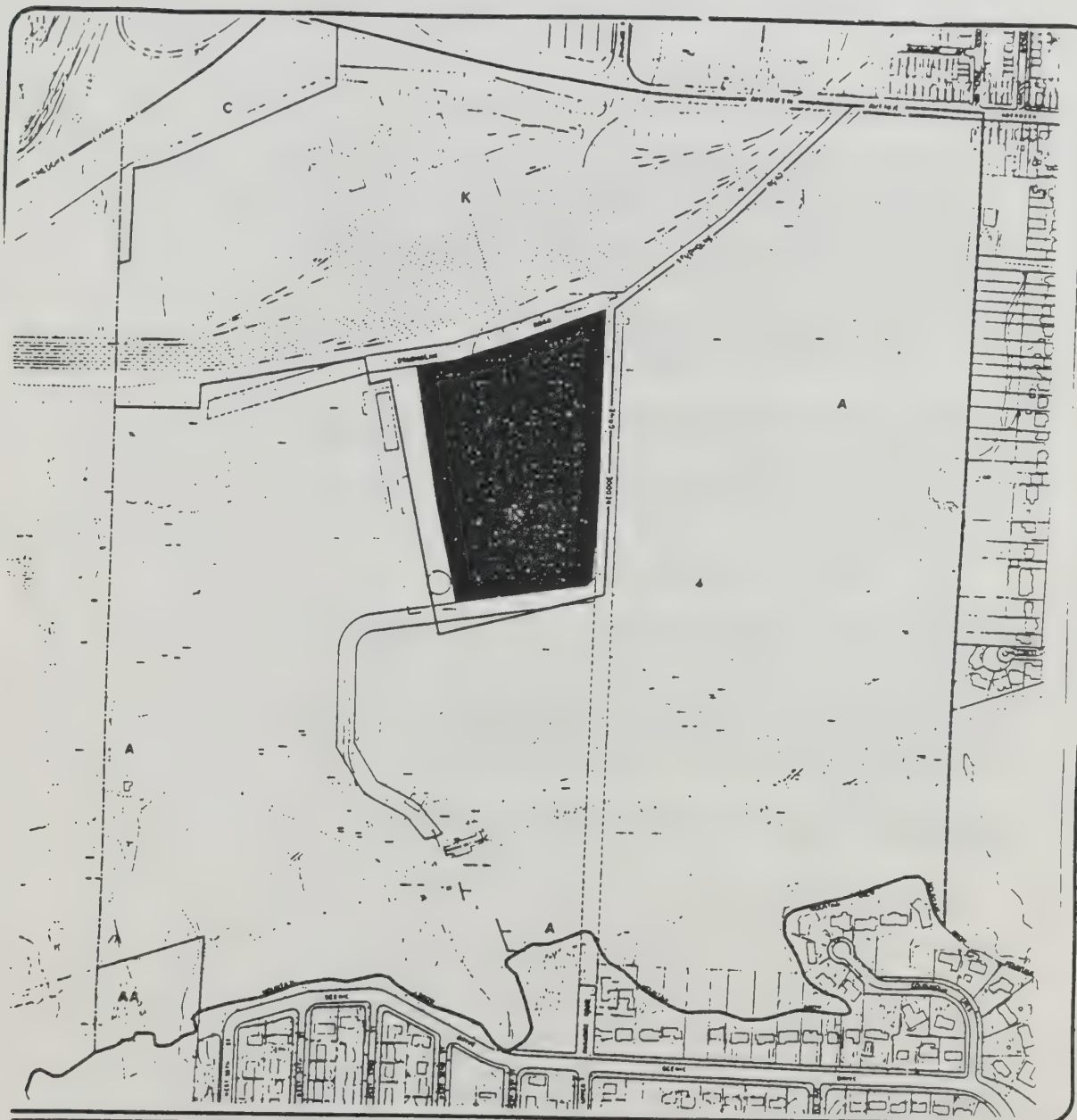
TENANT LOAN GUIDELINES

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged to owners under the Commercial Property Improvement Loan Program.
19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
 - (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.

25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
31. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
33. All loans become due and payable upon the sale, closing or moving of the borrower's business.
34. Grants to Tenants

The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.
35. Grant amounts shall not exceed the sum of \$5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

Appendix "P" as referred to in
Section 12 of the Planning
and Development Committee Minutes
dated 1998 June 24

**Legend**

Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North

Scale
NOT TO SCALEDate
April, 1998Reference File No.
DA-98-13Drawn By
R.L.

Appendix "Q" as referred to in
Section 12(d) of the Planning and
Development Committee Minutes
dated 1998 June 24

COUNCIL MINUTES
DECEMBER 11, 1997
FIRST REPORT OF THE PLANNING AND DEVELOPMENT DEPARTMENT

27. (a) That approval be given to Official Plan Amendment No. 145, Chedoke Terrace Inc., owner, for a redesignation from Industrial to Residential on Schedule "A" - Land Use Concept and to establish a "Special Policy Area" in the Official Plan, to permit the development of the lands for 172 townhouse units, for the property located at No. 100 Beddoe Drive (Lapp property), as shown on the attached map marked as Appendix "M", on the following basis:
- (i) the maximum number of townhouse units will be 172 comprised of 24 townhouse units in the woodlot, 72 units in the perimeter ("U" shaped) building and 76 interior townhouse units; and,
 - (ii) the maximum height of the townhouses shall not exceed 12.5 m and the turret feature on the community building shall not exceed 15 m; and,
 - (iii) in accordance with Section A.2.1.3iii), retail stores and services that serve the daily needs of the residents will be permitted within the perimeter building only; and,
 - (iv) the lands will be subject to site plan control; and,
- (b) That upon finalization of the Official Plan Amendment, the approved Chedoke Park Neighbourhood Plan be amended by redesignating the subject lands from "Special Policy Area" to "Attached Housing"; and,
- (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-223, be further amended by adding the lands located at 100 Beddoe Drive and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council; and,
- (d) That the following conditions be imposed on the development in accordance with the Consolidated Board's decision:
- (i) In addition to the standard requirements of the Site Plan Control Process, the following additional requirements will be imposed:
 - (1) A 4.5 m acoustical barrier shall be provided and maintained on the westerly limits of the property between the south end of the property and the southerly limits of the townhouses in the perimeter building, approximately 130 m); and,
 - (2) a 1.2 to 2.0 m visual barrier shall be provided and maintained along the westerly boundary between the most northerly point of the property and end of the townhouses in the perimeter building, approximately 150 m; and,
 - (3) a 3 m high acoustical barrier, approximately 20 m in length, shall be provided and maintained in the area of townhouses located within the woodlot to protect the most southerly row of townhouses and their amenity/rear yard area; and,

2

- (4) a 3 m high acoustical barrier, approximately in length extend southerly from the wall of the eastern most townhouse unit in the most southerly row of townhouses; and,
- (5) the Landscape Plan shall include the following details; the location, size, number and type of trees to be planted, predominantly native plant materials; a planting schedule and a maintenance statement that will require the care and replacement of stock and provision for the seeding or sodding of all disturbed areas within the first growing season following completion of construction; and,
- (6) a Tree Preservation Plan that shall include the following details: the location, size, number and type of trees to be retained; the method of protection from construction activity, i.e., fencing, wrapping, signing, wells around base of trees; if a woodlot is to be retained, its location should be clearly shown on a scaled site plan with the location of a limit of work fence accurately shown and trees defining the woodlot edge adjacent to development identified. (NOTE: grading near the base of trees to be preserved will not be permitted); and,
- (7) that the applicant prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority and the Manager, Development Engineering Section, Regional Environment Department. This plan shall address water quality and quantity issues and will ensure that post development flows will equal pre-development levels and that current provincial drainage and stormwater quality and quantity guidelines are implemented; and,
- (8) that prior to development, the Owner prepare and implement an erosion and sediment control plan to the satisfaction of the City of Hamilton and Hamilton Region Conservation Authority and that said plan comply with the following requirements:
 - (a) All erosion and sediment control measures will be installed prior to development, and maintained throughout the construction process, until all disturbed areas have been revegetated; and,
 - (b) That the Owner provide a summary inspection report every 14 days, prepared by a qualified professional engineer, outlining the status of all erosion and sediment control measures after each rainfall, including remedial measures taken, to the satisfaction of the Manager, Development Engineering Section, Region Environment Department; and,
 - (c) Areas not scheduled for development within 45 days or over the winter months should be left with existing vegetation in place. If the area has been previously graded, all disturbed areas should be revegetated using seed and mulch; and,
 - (d) All disturbed areas will be revegetated with permanent cover immediately following completion of construction; and,

- (9) The applicant shall consider establishing a bus stop abutting the property; and,

- (ii) Prior to issuance of building permits, the working drawings must be certified by a professional engineer, registered in Ontario and competent in acoustics, to be in compliance with the approval conditions of the Joint Board and specifically to ensure that all units are designed to comply with the indoor sound level limits listed below accounting for idling locomotives in the rail yard:

	Rail(*)	dba Road(*)	Yard (**)	Works
Bedrooms (2300-0700)	35	40	4	0
Living/Dining/Recreation Rooms (0700-2300)	40	45	45	

*LEQ for indicated time period

**LEA for any hour

The acoustical certification shall be implemented by an original noise control certificate that is signed, stamped and dated by the acoustical engineer, and applied to each drawing; and,

- (iii) The interior sound levels in the bedrooms on the easterly exposed townhouses shall not exceed MOE interior noise guidelines. Similarly, the same units shall be designed to meet 35 dBA Leq from the idling locomotives on the sidings closest to the Rail Yard; and,
- (iv) Air conditioning shall be installed in all units; and,
- (v) The easterly four units of the south easterly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the south or south east; and,
- (vi) The westerly row of townhouses in the woodlot shall be single aspect with any windows above the first floor pointing only toward the north; and,
- (vii) There shall be no windows, balconies, or amenity areas above the first floor in the end units of either the southwesterly row of townhouses or the westerly leg of the perimeter building; and,
- (viii) Balconies or other amenity areas above the first floor of the westerly unit of the southwestern row of townhouses shall not have line-of-sight to any portion of the Public Works Yard; and,
- (ix) The owner undertake a vibration study to the satisfaction of the St. Lawrence and Hudson Railway Company; and,

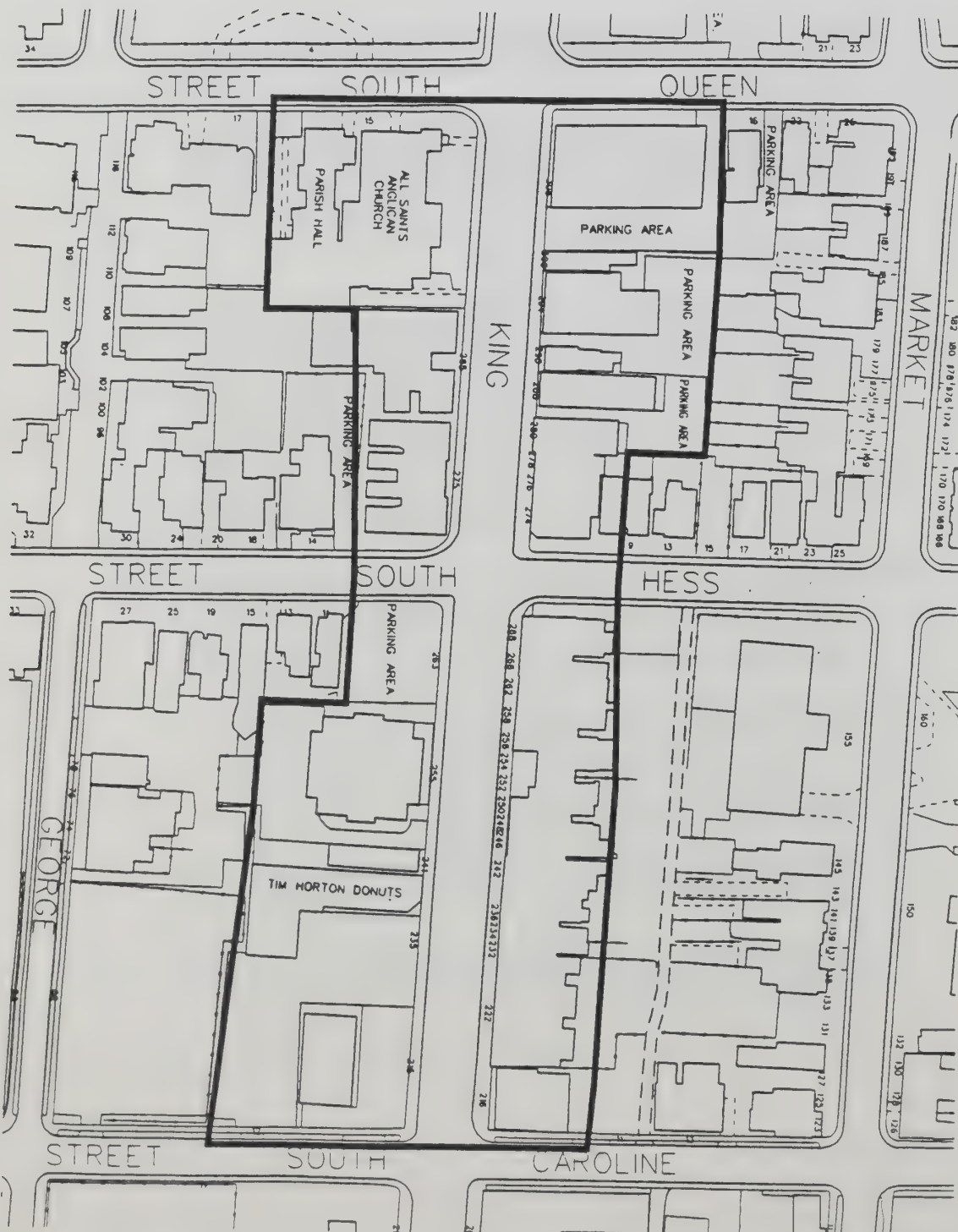
- (x) All of the units shall carry the following Warning Clause on all Agreements of Purchase and Sale or lease or reservation agreements and is to be registered on the title of the land:

"Occupants are advised that noise levels for the Public Works Yard and the Rail Yard may, at times be a concern, occasionally interfering with some activities of the dwelling occupants as the noise level may exceed the Ministry of Environment and Energy's noise guidelines."

The clause is to be to the satisfaction of the City Solicitor and the Director of the Planning and Development Department; and,

- (xi) A visual barrier, between 1.8 and 2.0 m in height, be installed at the expense of the owner, separating the Railway Property from Studholme Road for that area opposite the subject lands. The fence shall be constructed from the eastern most terminus of the existing fence along the Railway property on the north side of Studholme Road to a point directly north of the westerly boundary of the subject property. The Fence shall be constructed on City lands and designed and constructed to the satisfaction of the Commissioner of Public Works and Traffic Department and the Director of the Planning and Development Department; and,
- (xii) The owner pay 50% of the cost of constructing a sidewalk on the south side of Aberdeen Avenue between Studholme Road and the existing municipal sidewalk west of Chedoke Avenue; and,
- (xiii) Studholme Road is to be constructed to an urban cross section and the method of financing be determined by the Transport and Environment Committee; and,
- (xiv) Sidewalks shall be provided, at the owners cost, on Beddoe Drive and Studholme Road adjacent to the subject property; and,
- (xv) A sidewalk shall be provided, at the owners cost, along one side of Studholme Road from the east side of Beddoe Drive to Aberdeen Avenue; and,
- (xvi) Prior to the issuance of any building permits by the City of Hamilton, the applicant shall satisfy the Ministry of the Environment and Energy with respect to noise mitigation features for all buildings and structures; and,
- (xvii) Development shall take place only in accordance with the site plan and development permit application approved, except where special conditions are to apply; and,
- (xviii) The owner shall enter into a special servicing agreement with the Region to provide for the sanitary sewer connection from the subject lands to the intersection of Aberdeen Avenue and MacDonald Avenue. The cost of installing the sanitary sewer shall be paid for by the owner.

Appendix "R" as referred to in
Section 13(a) of the Planning
and Development Committee Minutes
dated 1998 June 24



KING ST. W. PROPOSAL R

Appendix "S" as referred to in
Section 13(a) of the Planning
and Development Committee Minutes
dated 1998 June 24



for kids

300 KING STREET WEST, HAMILTON, ONTARIO L8P 1B1 (905) 523-0300

March 1st, 1998

Attention: Jeanne Pacey,

We the undersigned would like to formally request that King Street West between Caroline Street and Queen Street be designated as a Business Improvement Area to be called simply **King Street West**. This name will allow for the potential expansion of our area at any time in the future further west to Dundurn or east to Bay Streets. Please feel free to contact me with any questions or concerns.

Thank you,

Catherine Sennett,
Chairperson.

Elected Board of Directors:

Chairperson: Catherine Sennett
Small Talk Clothing Co.
523-0300, fax 526-7270

Vice-Chair: Mike Zaccaria
Adrian Michael Hair Fashion
522-4247

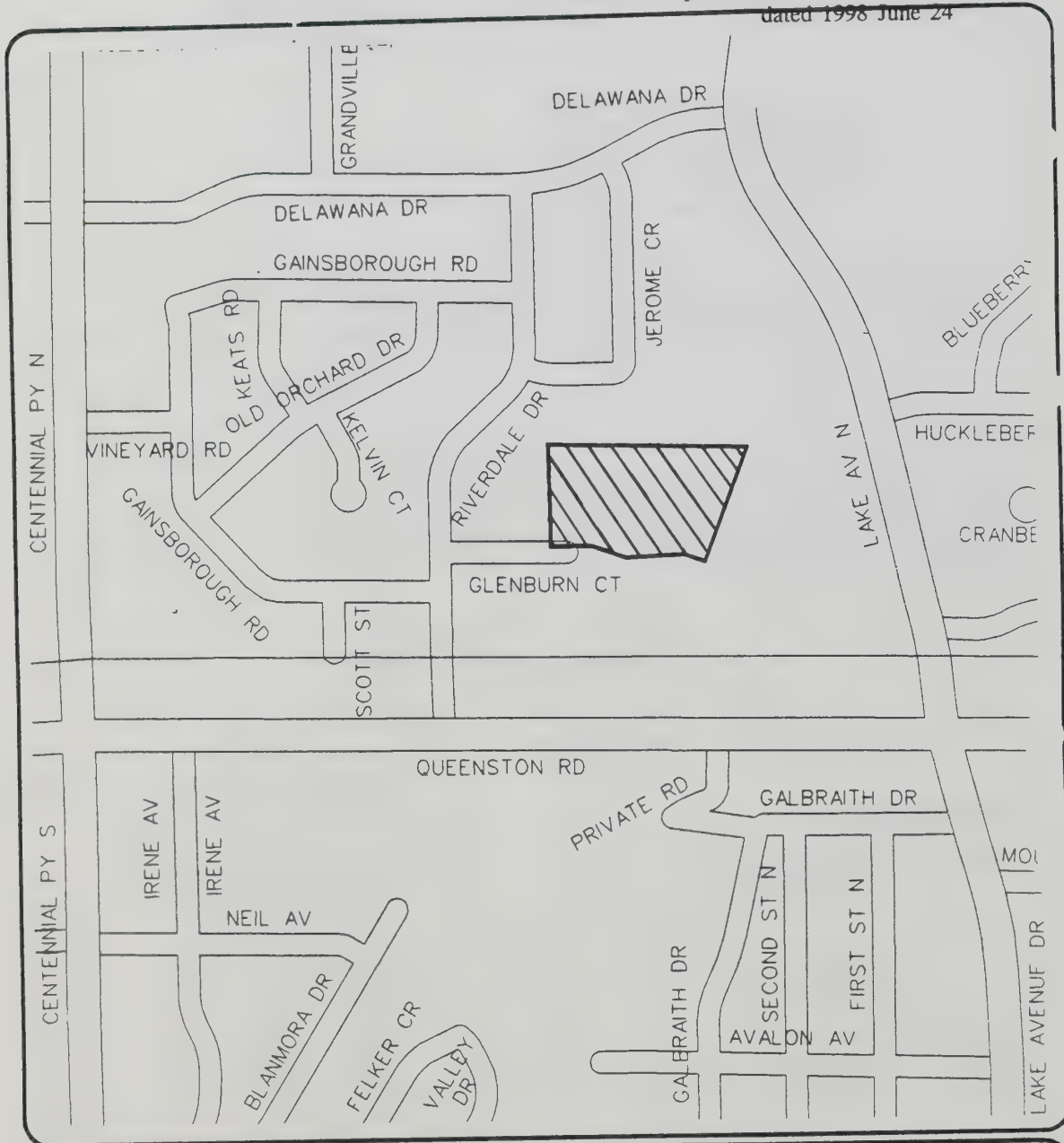
Secretary/ Treasurer: Trudy Parsons
Keyin Tech
777-1332, fax 777-8711

FILE No. 98 6025	
DEPT. PUBLIC WORKS	
MAY 08 1998	
MAY 08 1998	
MCA	
MSS	
MP	✓
MCEM	
MES	
CCAS	
HORT	
DENG	
PME	
PDC	✓
SMW	
SSS	
J. Pacey	

cc: Hazel Milsome

P

Appendix "T" as referred to in
Section 14E(i)(a) of the Planning
and Development Committee Minutes
dated 1998 June 24



City of Hamilton

Key Map


CDM-CONV-98-003

Planning and Development Department

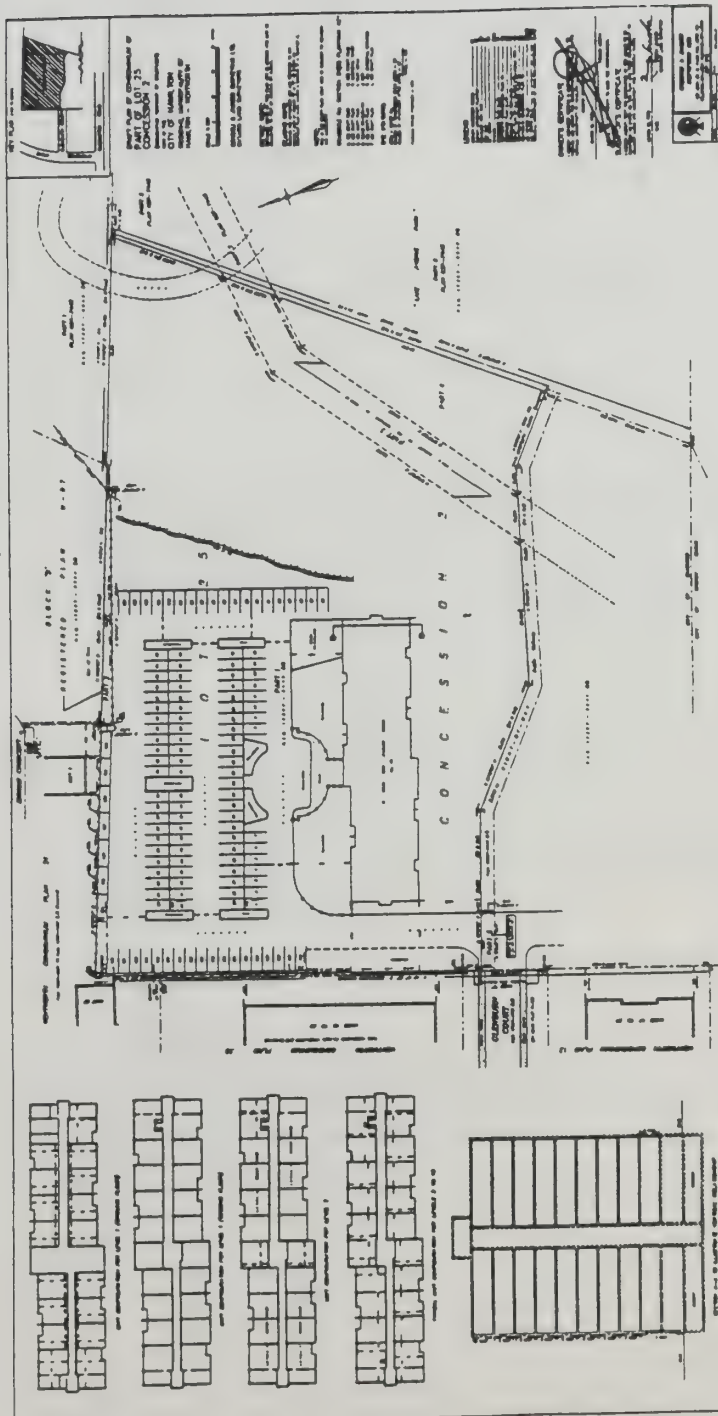
Legend



75 Glenburn Court

<p>North</p> 	<p>Scale NOT TO SCALE</p> <p>Date April 1998</p>	<p>Reference File No. CDM-CONV-98-003</p> <p>Drawn By B.B</p>
--	--	---

Appendix "U" as referred to in
Section 14E(i)(a)(i) of the Planning
and Development Committee Minutes
dated 1998 June 24



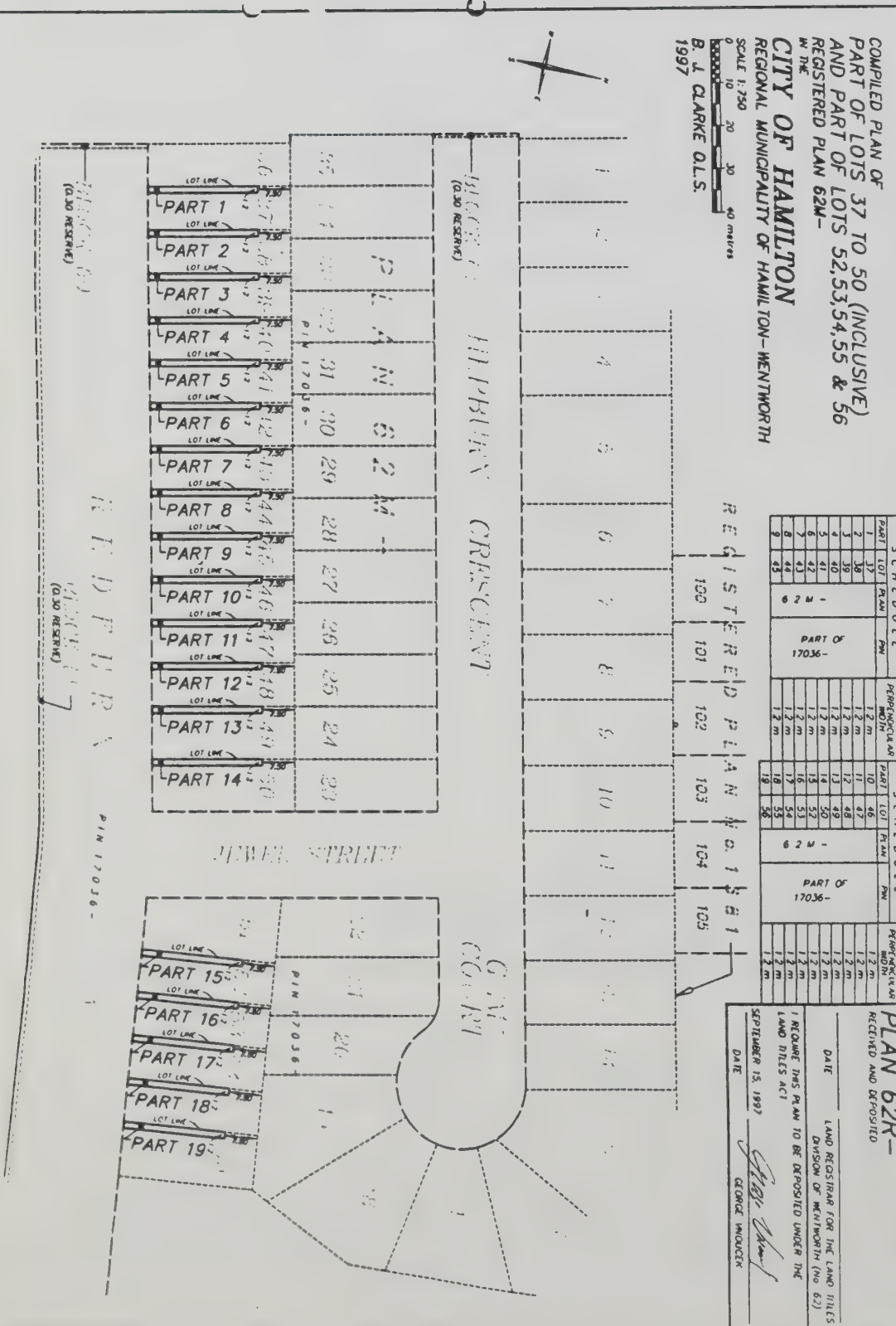
COMPLETED PLAN OF
PART OF LOTS 37 TO 50 (INCLUSIVE)
AND PART OF LOTS 52,53,54,55 & 56
REGISTERED PLAN 62M—
IN THE
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:750

0 10 20 30 40 meters

B. J. CLARKE O.L.S.

1997



Bi)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 28

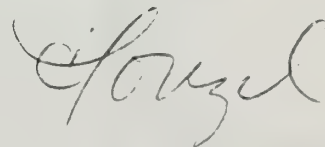
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: 18 Chilton Place (Durand-Markland Heritage Conservation
District) - Application for Heritage Permit

RECOMMENDATION:

That a Heritage Permit be approved for the alterations proposed by the owner of 18 Chilton Place, as identified in the elevation drawings dated June 1998 attached hereto and marked as Appendix "A", with the condition that the extension of the front living room window down through the sill course not be included in the Heritage Permit.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The Ontario Heritage Act requires that exterior alterations to buildings within a Heritage Conservation District be approved by Council after LACAC has reviewed the plans in respect to the preservation of heritage features.

BACKGROUND:

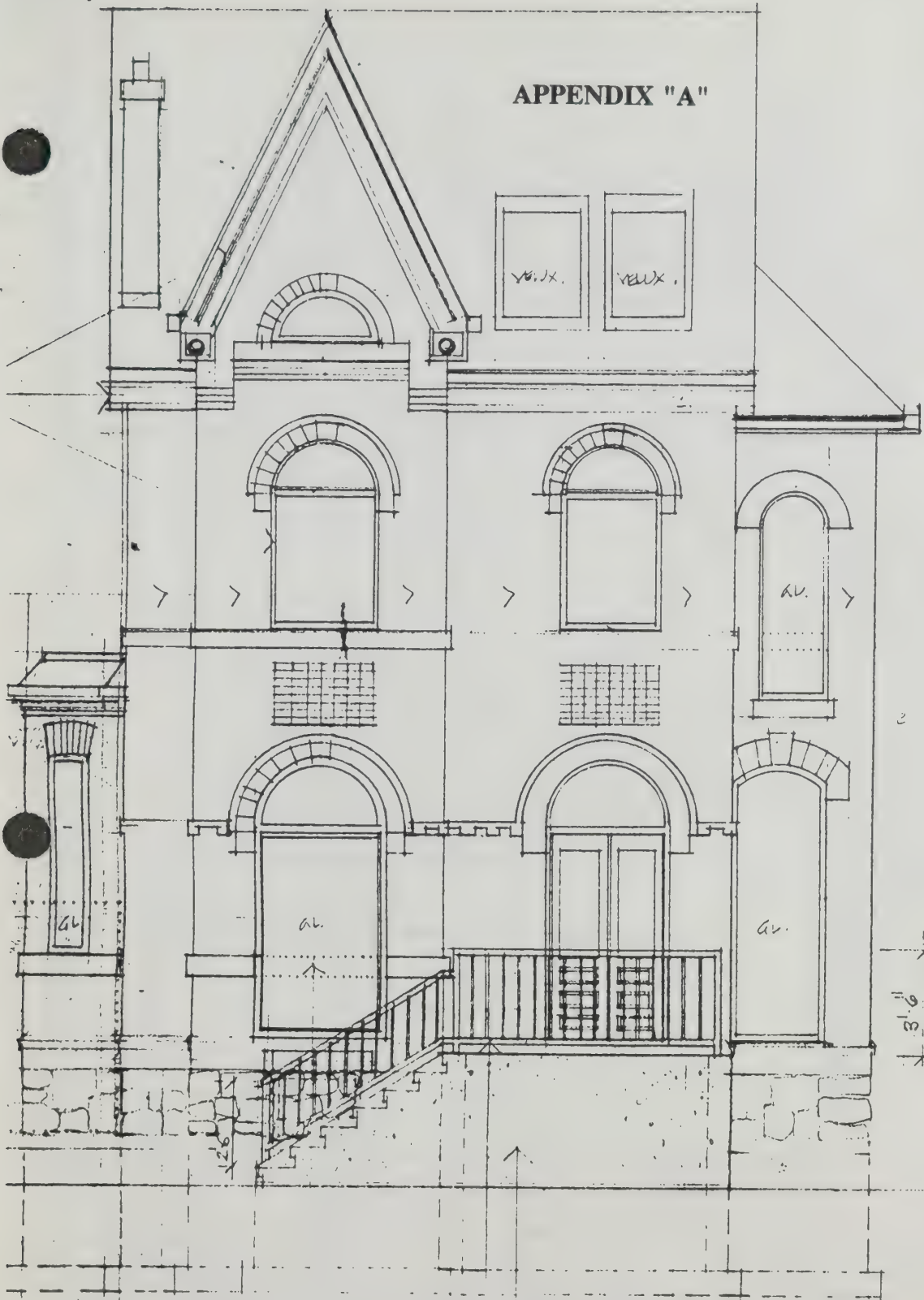
On 1998 July 21, the LACAC Research Sub-Committee reviewed the proposed changes to 18 Chilton Place and approved all alterations, except for the lowering of the front living room window down through the sill course which would change the original window opening size as well as cause the removal of part of the sill course.

Approved alterations include the removal of the existing garage; removal of the side porch and replacement with a solarium; re-cladding in clapboard of the rear wing; removal of the rear stoop; new rear entrance; and, rebuilding of the front steps.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department

APPENDIX "A"



REMOVE CURTAIN MOLDINGS
ETC. FOR NEW WINDOWS

EAST ELEVATION CHILTON PLACE

PAINT STAIRS & INTERIOR WALLS WITH
1/2" LINEN @ 12" VERT. CATH.
MILK PAINT FINISH.

PAINT HANDRAILS & PAINTED
2 1/4" WITH VERTICAL & HORIZONTAL STEEL
PIPE WITH 1/2" VERTICAL RODS @ 4" OC.
ALL WELDED CONNECTIONS. WELDED FEET
TO ANCHOR PLATES SET IN CONCRETE.

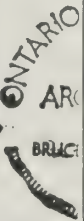
EXISTING FRONT DOOR:
CLEAN & REPAIR AS REQ'D TO RECEIVE
NEW PAINT FINISH / HINGES / LEVER
LATCH SET & LEAD LOCK / HARDWARE TO
STABILIZE STATIC WAT LEAF.

NOTE: RELATE FRONT ELEVATION
PAGE THREE DRAWING NO. 11 AS
INDICATED BY ARCHITECT.

DESCRIPTION

REVISIONS

THE CONTRACTOR SHALL
VERIFY ALL DIMENSIONS AND
ALL ERRORS AND OMISSIONS
ARCHITECT. DO NOT SCALE
DRAWINGS. THIS DRAWING SHALL
BE USED FOR CONSTRUCTION
UNTIL SIGNED BY THE ARCHITECT.



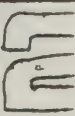
**BRUCE
BERGLUN
ARCHITECT**

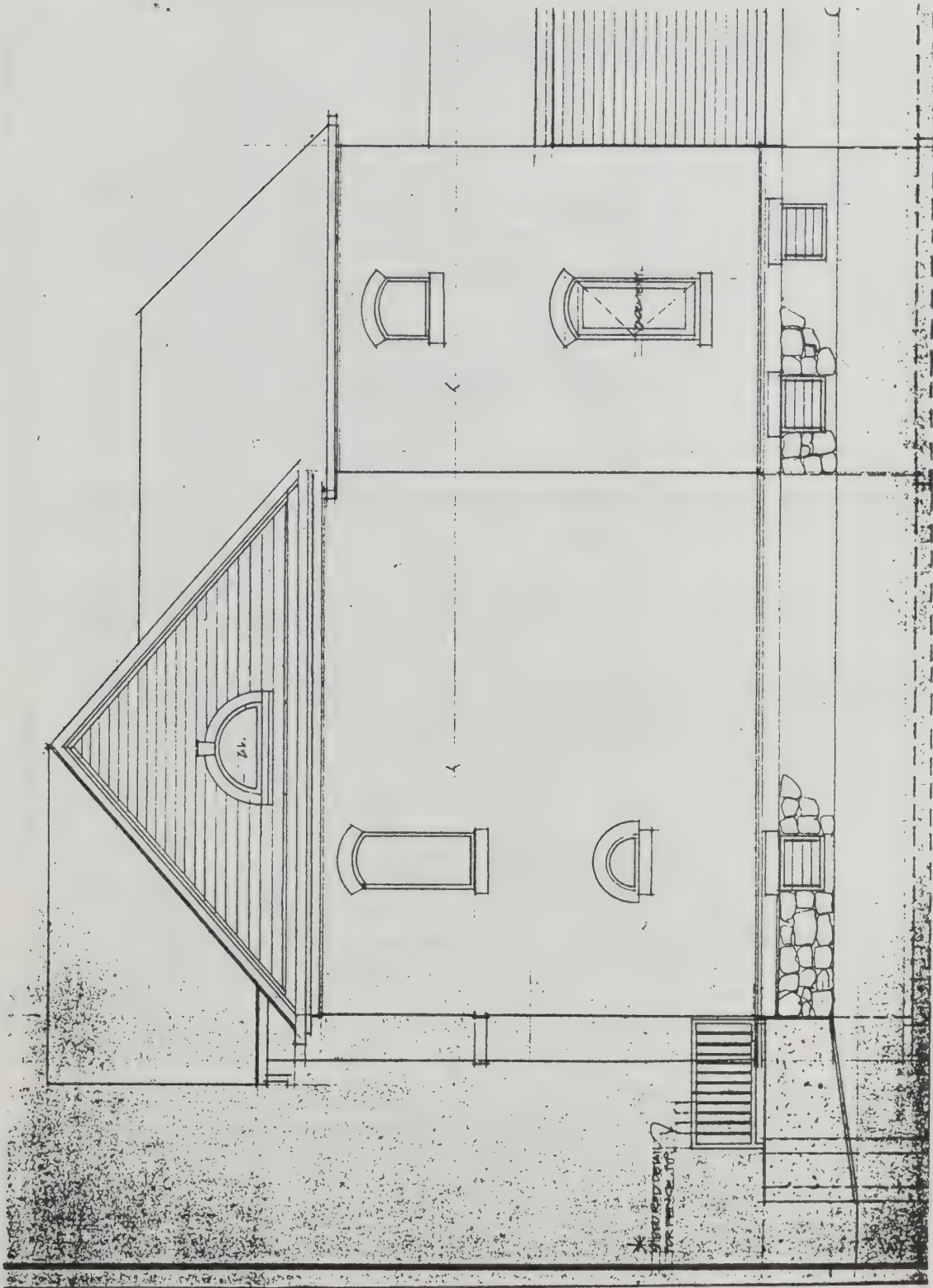
DRN.	CHKD.	DATE	SCALE
		JUNE	1/4" = 1'-0"

**BRETZLER RESIDENCE - C
PROJECT**

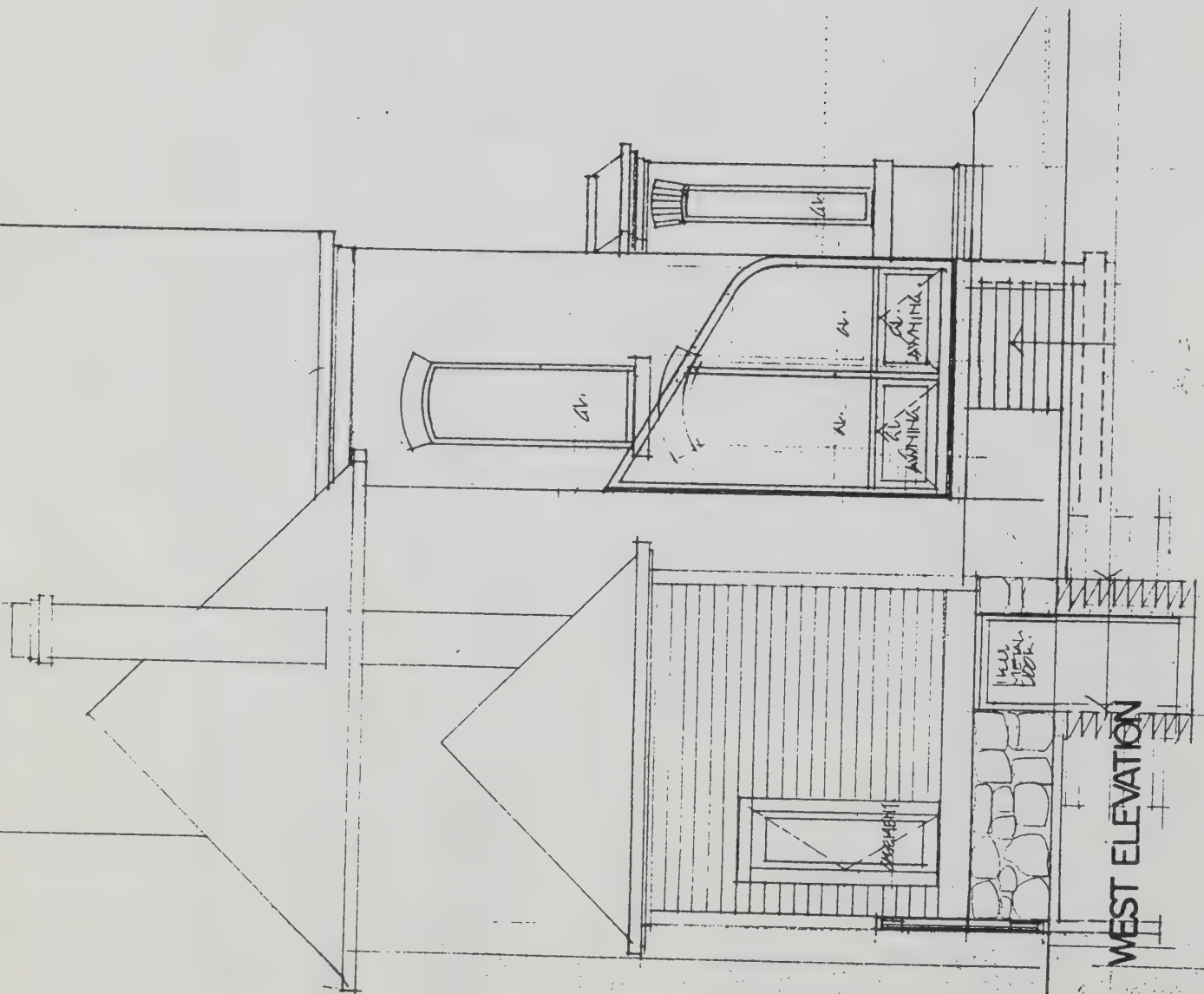
**ELEVATIONS
DRAWING**

JUL 16 1999





NORTH ELEVATION JAN 1987



Bill

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 28

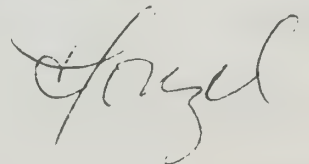
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: 712 Main Street East, Hamilton Regional Indian Centre (St. Clair Avenue
Heritage Conservation District) - Application for Heritage Permit

RECOMMENDATION:

That a Heritage Permit be approved for the alterations to the roofline at 712 Main Street East, Hamilton Regional Indian Centre, as referenced in McCallum Sather Architects Inc.'s Drawing No. A3 dated 1998 May, attached hereto and marked as Appendix "A".



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

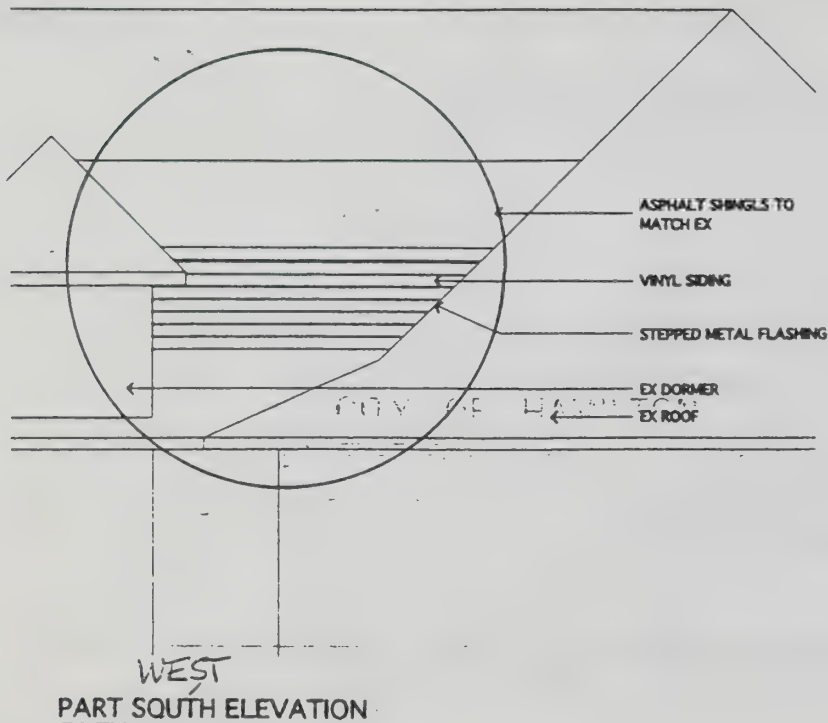
A Heritage Permit is required under Part V of The Ontario Heritage Act for exterior alterations to buildings within a Heritage Conservation District.

BACKGROUND:

At its meeting of 1998 June 30, the LACAC Research Sub-Committee reviewed drawings of the proposal to convert attic space to office space. The alteration will change the roofline on the west side of the building, which was added in 1993. It was concluded that the alteration does not affect any designated features of the building and that a Heritage Permit can be approved.

attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department



McCALLUM SATHER
ARCHITECTS INC.

Hamilton, Ontario 905 526 6700

PROJECT NAME

HAMILTON REGIONAL
INDIAN CENTRE

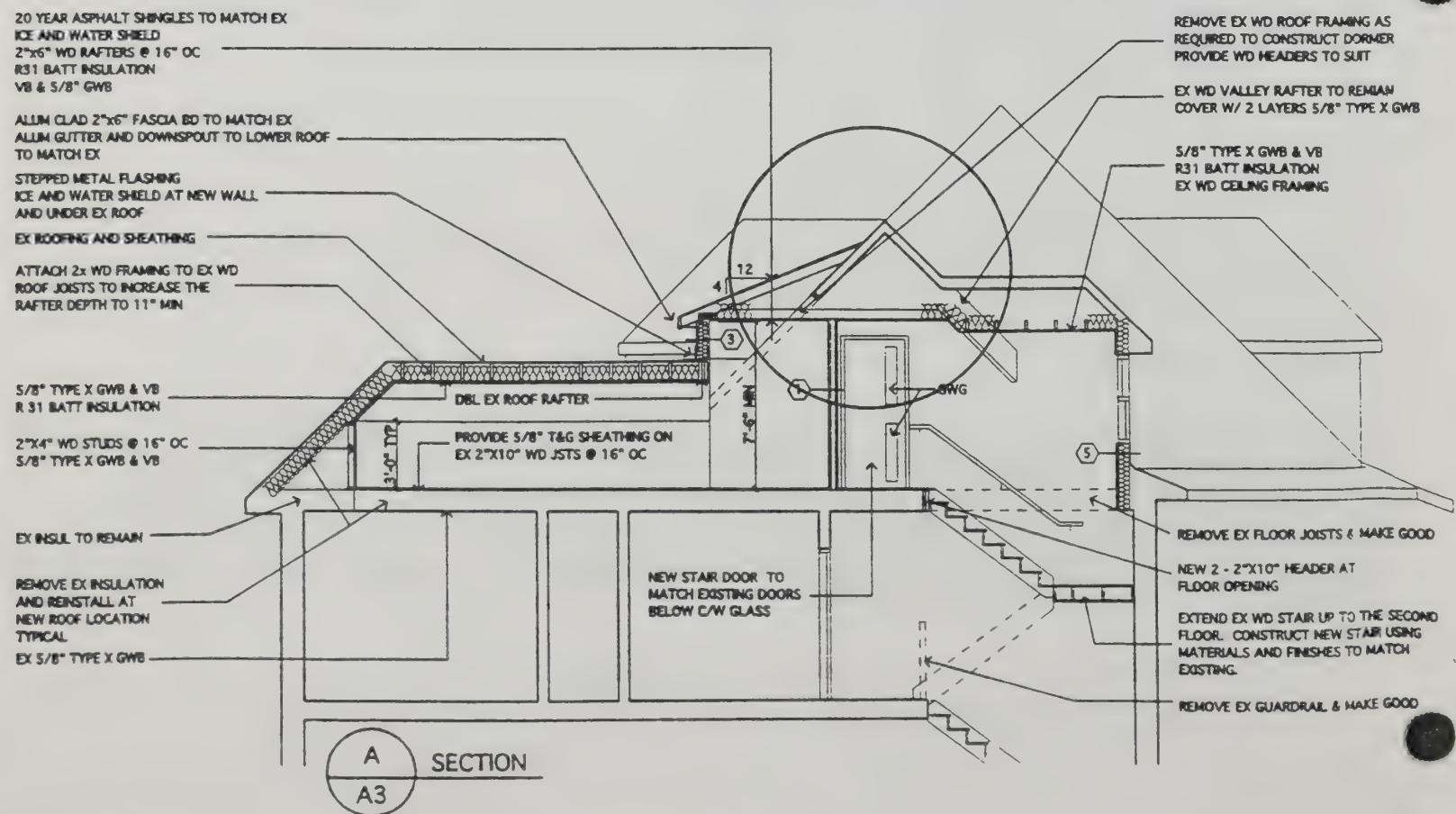
RENOVATIONS TO;
712 MAIN STREET EAST
HAMILTON, ONTARIO

DRAWING TITLE

SECOND FLOOR PLAN
PART SECTION

DRAWN BY	MA	DATE	MAY 1998
CHECKED BY	GS	SCALE	1/8"=1'-0"
PROJECT NO.	98-07	DRAWING NO.	A3

AREAS TO BE ALTERED ARE CIRCLED



EAST/WEST CROSS SECTION

Biii

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 July 28

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

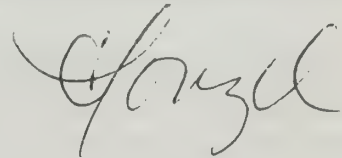
FROM: Charlene Touzel, Secretary
Local Architectural Conservation
Advisory Committee

SUBJECT: 252 James Street South (Designated under the Ontario
Heritage Act) - Application for Heritage Permit

RECOMMENDATION:

That notwithstanding the Local Architectural Conservation Advisory Committee's preference that the columns erected at 252 James Street South be removed to protect the architectural integrity of the building, that a Heritage Permit for the erection of columns and a canopy at 252 James Street South be approved based on the proposal received on 1998 June 24 attached hereto and marked as Appendix "A", under the following conditions:

- a) that a Building Permit is issued for the proposal; and,
- b) that the canopy is not attached to the building; and,
- c) that a re-application for approval of a Heritage Permit be made at the time when the canopy is in need of replacement.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

In accordance with the provisions of the Ontario Heritage Act, any changes which affect certain features of a designated building require Council approval through the Heritage Permit process.

BACKGROUND:

In response to telephone calls from concerned citizens 1998 June 12, Heritage Planning staff made a site visit to investigate the installation of columns at the main entrance stairs to 252 James Street South.

In reply to a complaint from a citizen, the Building Department inspected the site and issued a "Stop Work Order", since a Building Permit application had not been made. Since the building is designated, a Heritage Permit must be issued before a Building Permit can be obtained.

At its meeting of 1998 July 6, LACAC delegated authority to the Research Sub-Committee to make a decision regarding a Heritage Permit for 252 James Street South and went on record as being opposed to the erection of the columns which had already been installed.

Having met four times, twice with the proponents to discuss alternatives to the installation of the above-referenced proposal, the Research Sub-Committee came to the conclusion that the canopy structure was reversible (ie. temporary and removable) and was not attached to the building, and reluctantly agreed not to oppose the issuance of a Heritage Permit.

However, at its meeting of 1998 July 21, the Research Sub-Committee stipulated that, once the canopy were to be replaced, that the applicant be required to reapply for approval of a Heritage Permit.

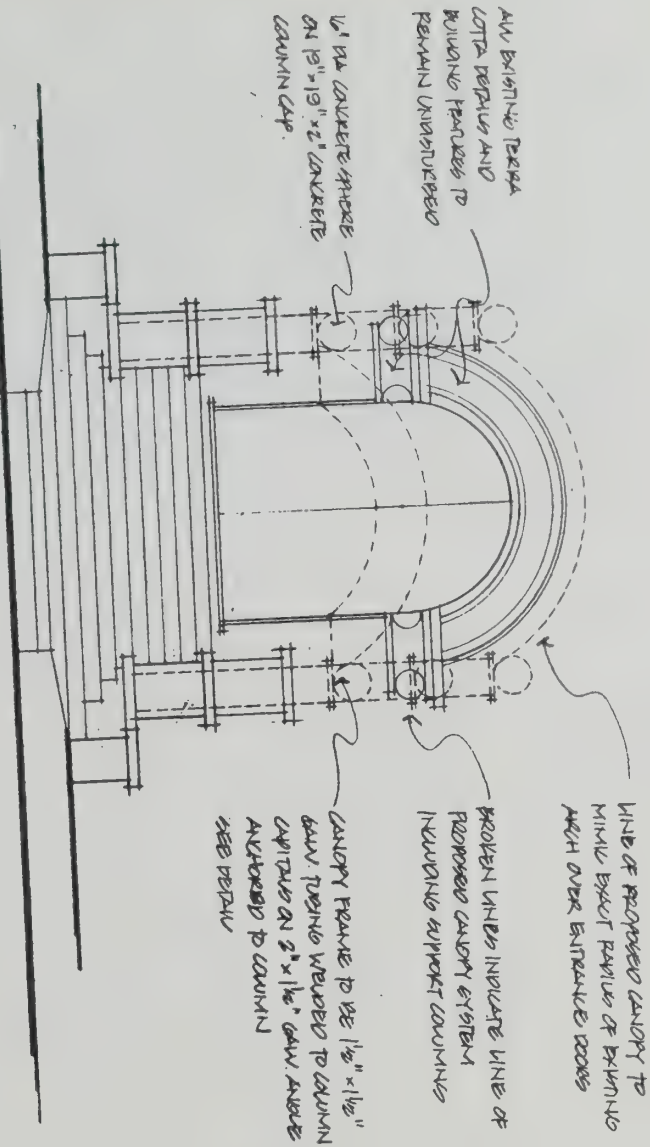
In meetings with Maddison Avenue Spa/Salon representatives, the LACAC Research Sub-Committee was told that the applicant, a tenant of 252 James Street South, was unaware that the building was designated and that a Heritage Permit was required for this proposal. It should be noted that designation under Part IV of the Ontario Heritage Act is registered on title of a building.

The LACAC Research Sub-Committee subsequently met twice with representatives of Maddison Avenue Spa to discuss alternatives and guidelines for a more complementary design. After lengthy discussions, the Sub-Committee reluctantly concluded that the columns do not complement the Richardsonian Romanesque style of the building and the columns and proposed black awning would obscure designated features, however, the canopy structure was reversible (temporary and removable) and, according to above-referenced drawings, not attached to designated features of the building.

The Research Sub-Committee felt that some lenience was required, because the owner of the building had been negligent in advising his tenant that the building was designated, prior to the tenant's commissioning of the elements for the proposal. The Sub-Committee regretted that a Building Permit application had not been made, since the applicant would then be required to discuss the proposal with LACAC prior to starting the work.

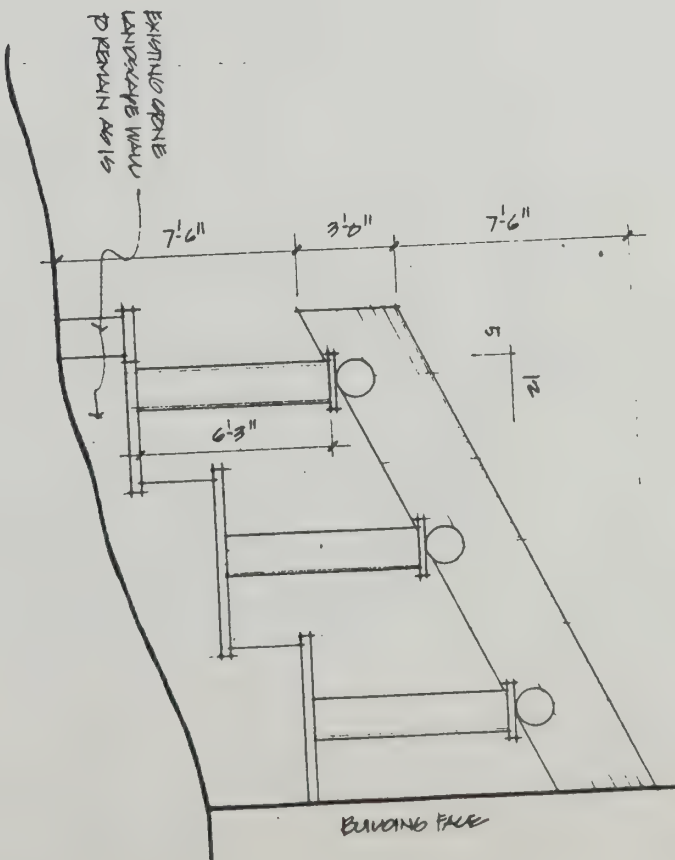
attached

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Len King, Building Commissioner



FRONT ELEVATION

SCALE: 1/4" = 1'-0"



SIDE ELEVATION

SCALE: 1/4" = 1'-0"



NOTICE OF MEETING

URBAN MUNICIPAL

PLANNING AND DEVELOPMENT COMMITTEE

SEP 24 1998

Wednesday, 1998 September 23

9:30 o'clock a.m.

Room 233, City Hall

GOVERNMENT DOCUMENTS

Tina Agnello

Tina Agnello, Secretary
 Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-18, by Hugh MacLeod, owner, for a change in zoning from "D" District to "H" District for property located at 27 Dundurn Street North.

Submissions:

- (a) Jennifer Janik (via E-mail)
- (b) Greg Tarasoff (via E-mail)
- (c) Robin Goldfin (via E-mail)
- (d) Adam Benjamin (via E-mail)
- (e) Beth Chown (via E-mail)
- (f) Jamey Rosen (via E-mail)
- (g) Judy Koeller: 96 Maplewood Place, Kitchener (via E-mail)
- (h) David Keane & Aurelia Shaw: 42 Head Street, Hamilton (via E-mail)
- (i) Jason Markusoff (via E-mail)
- (j) Colin Walters (via E-mail)
- (k) Jane Caufield (via E-mail)
- (l) Sharon Cavanaugh (via E-mail)
- (m) Adam Cornwell (via E-mail)
- (n) Allen Sens: University of B.C., Vancouver (via E-mail)
- (o) Valerie Beattie-Dolan: Hamilton (via E-mail)
- (p) Mark Fairman: 48 Head Street, Hamilton
- (q) Bernie Roel (via E-mail)
- (r) Micheal Voralia (via E-mail)
- (s) Kwai-Pui Lo, Hamilton Chinese Alliance Church: 50 Breadalbane St. Hamilton
- (t) Cecil Manuel: 9 Hunt Street, Hamilton



**PLANNING AND DEVELOPMENT COMMITTEE
MEETING - 1998 SEPTEMBER 23
REGULAR AGENDA**

Page 2

2. Zoning Application 98-26, by Cornerstone Commercial Realty Corporation, owner, for lands located south of Fennell Avenue East and north of Inchlee Drive, known as 334 East 14th Street.

Submission:

- (a) Sergio Manchia, Planning Initiatives (Agent for Applicant)

3. Zoning Application 98-27, by Marco Ramelli and Mukesh Patel, owners, for a change in zoning from "B-1" District to "H" District, modified, for lands located at 535 Queenston Road and 537 Queenston Road.

PUBLIC MEETINGS - 9:45 O'CLOCK A.M.

4. City Initiative 98-D, modifications in zoning for lands on the west side (bay side) of Beach Boulevard.
5. City Initiative 96-G, Charity Gaming Clubs, Zoning By-law Amendment (Charity Casinos).

6. REFERRAL BACK FROM COUNCIL

342 Dundurn Street South, Demolition Permit

7. BUILDING COMMISSIONER

- (a) Property Standards By-law 94-185
- (b) 25 Hughson Street South - Downtown Convert/Renovate-to-Residential Loan Program

**PLANNING AND DEVELOPMENT COMMITTEE
MEETING - 1998 SEPTEMBER 23
REGULAR AGENDA**

Page 3

8. DIRECTOR OF PLANNING AND DEVELOPMENT

- (a) Proposed Draft Plan of Condominium - Condominium Conversion, 11 Kendale Court. (CDM-CONV-98-004)
- (b) Proposed Draft Plan of Condominium - Condominium Conversion, 21 Kendale Court (CDM-CONV-98-005)
- (c) Proposed Draft Plan of Condominium - Condominium Conversion, 65 Mount Albion Road (CDM-CONV-98-006)
- (d) Proposed Draft Plan of Condominium - Condominium Conversion, 293 Mohawk Road East (CDM-CONV-98-007)
- (e) Proposed Draft Plan of Condominium - Condominium Conversion, 1950 Main Street West (CDM-CONV-98-008)
- (f) Proposed Draft Plan of Condominium - Condominium Conversion, 37-57 Mericourt Road (CDM-CONV-98-009)
- (g) Proposed Draft Plan of Condominium - Condominium Conversion, 893 Concession Street (CDM-CONV-98-010)
- (h) Site Plan Control Application DA-98-23 for a student residence and future tennis club/bubble complex for Mohawk College of Applied Arts and Technology at 135 Fennell Avenue West.

9. CONSENT AGENDA

10. PRIVATE AND CONFIDENTIAL AGENDA

11. OTHER BUSINESS

12. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

No	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
3.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
4.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
5.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
6.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
7.	Planning Tariff Fees - Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
9.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
10.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
11.	ZA-97-33, 852 Upper Wentworth Street	1998 April 22 and May 6	Ald. Kelly to meet with the Applicants	Tabled to 1998 May 6
12.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
13.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
14.	Potential Regulation of Car Repair Activity in Residential Districts	1998 May 6	Staff Report Requested from Planning and Building Departments	Pending
15.	ZAC-98-23 & OPA for the rear of 2420-2434 Barton Street E.	1998 August 5	Ward Aldermen to meet with Residents and Proponents	Pending

CITY OF HAMILTON**- RECOMMENDATION -**

DATE: 1998 September 14 SEP 15 1998
ZAC-98-18
Strathcona Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

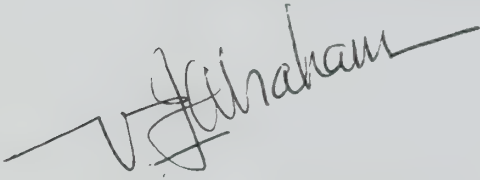
FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for an Official Plan Amendment and a change in zoning - 27 Dundurn Street North.

RECOMMENDATION:

- A. That Zoning Application ZAC-98-18, Hugh Macleod, owner, requesting an Official Plan Amendment to establish a Special Policy Area and for a change in zoning from "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District, to permit a sixty (60) seat live theatre with attendant facilities, a twenty-four (24) seat restaurant, and one (1) residential dwelling unit within the existing building for lands, located at 27 Dundurn Street North, as shown on the attached map marked as APPENDIX "A", be DENIED for the following reasons:
- i) The proposed commercial uses are not compatible with existing residential development in the surrounding area;
 - ii) The proposal represents an over intensification of land use in that adequate on-site parking spaces, manoeuvring, separation distances and buffering cannot be provided and will result in negative spill-over effects;
 - iii) The proposal conflicts with the approved Strathcona Neighbourhood Plan which designates the subject lands "Single and Double" Residential;
 - iv) The proposed uses are not of a local nature and would be more appropriately located within commercially designated areas; and,

- v) The proposal represents an undesirable extension of commercial uses into the residential neighbourhood.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant proposes to renovate the former hydro substation building to accommodate a sixty (60) seat live theatre with office, a twenty-four (24) seat restaurant, and one (1) residential dwelling unit with eleven (11) parking spaces, at 27 Dundurn Street North, as shown on Appendix "A" and "B".

APPLICANT:

Hugh Macleod, owner.

LOT SIZE AND AREA:

Irregular -

- 16.611 m (54.50 ft.) frontage along Dundurn Street North; and
- a depth of 38.563 m (126.51); and
- an area of 782.6 m² (8,424.12 sq. ft.).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Residential	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

Surrounding Land Use

to the north	Single Family Dwellings and Church	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the south	Variety Store and Single Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the east	Single Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District
to the west	Single Family Dwellings	"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District

OFFICIAL PLAN:

The subject lands are designated "**RESIDENTIAL**" on Schedule "A" - Land Use Concept of the Official Plan. The following policies should be noted:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.3 Within areas designated RESIDENTIAL, land uses compatible to dwellings and serving the needs of local residents will be permitted, including, but not limited to:
- iv) Limited individual or groups of commercial uses on sites not exceeding 0.4 hectare in area, excluding Automobile Service Stations, in accordance with the Commercial policies as set out in Subsection A.2.2 of this Plan."

Local Commercial

- "A. 2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access.

- A. 2.2.26 The maximum site areas of any LOCAL COMMERCIAL development will not exceed .4 hectare in keeping with the intention that LOCAL COMMERCIAL facilities are to serve local Residential areas only with convenience goods and personal services.
- A. 2.2.27 It is not the intent of Council that the LOCAL COMMERCIAL category be included within the Commercial classification indicated on Schedule "A" to this Plan. Rather, it is the intent of Council that LOCAL COMMERCIAL uses may be permitted within the Residential designation of land use indicated on Schedule "A", subject to a specific application for an appropriate amendment to the Zoning By-law and without the necessity of amending this Plan. The location of LOCAL COMMERCIAL uses will be designated by Neighbourhood Plans.
- A.2.2.28 Notwithstanding the above provisions, when considering new development in this category, Council will give preference to the grouping of individual LOCAL COMMERCIAL uses in suitable locations to prevent the scattering of such establishments throughout Residential areas."

General Provisions

- "A. 2.2.35 Where COMMERCIAL USES are proposed to be developed adjacent to Residential land uses, Council will be satisfied that the following provisions are adequately met:
- i) Access drive, parking and service areas will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from the COMMERCIAL USE are mitigated;
 - ii) Light from standards or other external lighting fixtures, excluding those used for store and window display or wall illumination, will be directed downwards and shielded or oriented as much as practicable away from the adjacent Residential Uses;
- A.2.2.36 The size of advertising, identification or other promotional signs and devices will be regulated by appropriate by-laws in order to avoid conflicts with effective traffic control and the general amenity of the area.
- A.2.2.38 Where a proposal is made for a COMMERCIAL development in which proposed parking and/or loading space is less than generally required, it must be demonstrated by the proponent to the satisfaction of Council that the proposal will not lead to nuisances through the parking or loading of vehicles on land or streets adjacent to the use."

Although, the site does not exceed 0.4 hectares, the proposal conflicts with the intent of the Official Plan in that the "live theatre" and "restaurant" uses are not considered local commercial uses and would likely attract patrons from outside the surrounding residential area. Local Commercial uses are permitted in "Residential" designations provided they serve the daily needs of surrounding residents, and primarily dependent upon pedestrian access.

Furthermore, adequate parking cannot be provided on site, thus may lead to negative spill-over effects on adjacent streets. If approved, an Official Plan Amendment in the form of a "Special Policy Area" to permit the proposed development will be required.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double Residential" on the approved Strathcona Neighbourhood Plan. If approved, a Neighbourhood Plan Amendment will be required to redesignate the lands from "Single and Double Residential" to "Commercial and Apartments".

COMMENTS RECEIVED:

- The following Departments and Agencies have no comment or objections:
 - Hamilton Conservation Authority; and,
 - Union Gas.

- The Regional Environment Department, Roads Division has advised that:

"We advise that there are public watermains and separate storm and sanitary sewers available to service the proposed development.

Dundurn Street between Main Street and York Boulevard is a Regional Arterial Roadway and road allowance widenings have been acquired on this section of roadway where lands have developed or redeveloped. We have reviewed this application on the basis that there will be no significant changes to the existing building which would warrant the dedication of the road widening at this time. Therefore the applicant/owner should be advised of a possible future 3.048 m road allowance widening on Dundurn Street North.

According to our records, the existing road allowance width of Hunt Street is 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.

According to plans submitted by the applicant the road allowance portion of Hunt Street between the property line and the municipal sidewalk has been paved. We recommend as a condition of development approval that the applicant/owner enter into a paving agreement with the City of Hamilton.

We recommend that minimum 3 m by 3 m visibility triangles be established on private property between the access to Hunt Street and the Hunt Street road allowance limits in which the maximum height of any object or mature vegetation (excluding existing trees) is not to exceed 0.60 m above the corresponding perpendicular centreline elevation of Hunt Street. This will require the removal of parking spaces 9 and 11 shown on the preliminary site plan submitted with the application.

We recommend that the proposed wooden fence along the west property line be setback a minimum of 3 m (prefer 5 m) from the Hunt Street road allowance limits.

The existing hedge which encroaches into the Dundurn Street North road allowance is contrary to the Region of Hamilton-Wentworth Roads Use By-law and remains at the sole risk of the applicant/owner.

In the absence of any other details shown we advise that any works which may occur within the Hunt Street or Dundurn Street North road allowances must conform to the respective Streets By-laws."

- The Building Department has advised that:

"Further to our previous comments be advised that a total of fifteen (15) parking spaces are required based on the additional information provided; ten (10) parking spaces for the sixty (60) seat theatre use; four (4) parking spaces for the twenty four (24) seat restaurant use and one (1) parking space for the single family residential use. All other comments remain unchanged, as follows.

1. The existing front, site yard setbacks are legally established non-conforming. The rear yard setback conforms.
2. Each parallel parking space shall have dimensions not less than 2.5 m wide and 6.7 m long. The two (2) parallel parking spaces (# 10 and 11) are not dimensioned to determine compliance.
3. Each parking space shall not be less than 2.7 m wide and 6.0 m long.
4. A 1.5 m landscaped area and visual barrier not less than 1.2 m and greater than 2.0 m in height must be provided along the boundary abutting the residential district to the north, east and west.
5. The parking area must be at least 6.0 m from the street line and 3.0 m from the residential district.
6. No final inspection has been done with regards to building permit No. BZ-98-1842.
7. No point of ingress or egress at the lot line for a restaurant use shall be closer than 30.0 m (98.43') to the residential district.
8. The parking area, driveway and manoeuvring area for the restaurant use must be not less than 12.0 m (39.37') from the residential district.
9. A landscaped area at least 1.5 m (4.92') in width must be provided along the lot line abutting any public right-of-way."

The Regional Environment Department (Planning Division) has advised that:

"The subject lands contains an existing vacant building formerly used as a transformer station, where potential exits for site contamination. Since the proposal is to redevelop the existing building on this site for commercial and residential purposes, the proposal must conform to Policy B.2.3 "Contaminated Site Remediation", of the HWOP.

Although the application indicates that the site has apparently been decommissioned, documentation of this has not been received by this Department.

Therefore, the rezoning of the subject lands should contain a "holding" provision conditional upon the following:

- 1) The applicant submit a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOEE."

The Public Works and Traffic Division has advised that:

"A preliminary site plan has been submitted with this application indicating a maximum of 11 on-site parking spaces. Based on this site plan, 12 parking spaces would be required. The parking lot does not provide for any landscaping or provide a proper throat into the parking lot.

We would not support any variance in parking as parking on Hunt Street is already well utilized. Therefore, we are unable to support the change in zoning as outlined in the preliminary site plan."

COMMENTS:

1. The proposal conflicts with the intent of the Official Plan in that the "live theatre" and "restaurant" use is not considered a "Local Commercial Use". Local Commercial uses are permitted in "Residential" designations provided they serve the daily needs of surrounding residents, and are primarily dependent upon pedestrian access. The proposed uses would likely attract patrons from outside the surrounding residential area.

Thus, if approved, an Official Plan Amendment in the form of a Special Policy Area to permit the proposed development will be required.

2. The subject lands are designated "Single and Double Residential" in the approved Strathcona Neighbourhood Plan. The proposal, if approved would require a Neighbourhood Plan Amendment to redesignate the lands from "Single and Double Residential" to "Commercial & Apartments".
3. Although the redevelopment of the subject lands would allow for adaptive reuse of the existing building, which is listed on the City's inventory of architecturally and/or historically significant buildings, the application cannot be supported for the following reasons:
 - i) The proposed commercial uses are not compatible with existing residential development in the surrounding area;
 - ii) The proposal represents an over intensification of land use in that adequate on-site parking spaces, manoeuvring, separation distances and buffering cannot be provided and will result in negative spill-over effects;
 - iii) The proposal conflicts with the approved Strathcona Neighbourhood Plan which designates the subject lands "Single and Double" Residential;

- iv) The proposed uses are not of a local nature and would be more appropriately located within commercially designated areas (e.g. downtown); and,
- v) The proposal represents an undesirable extension of commercial uses into the residential neighbourhood.

In conclusion, considering that the site is within a residential area and a limited number of parking spaces are available on-site, a more appropriate use for the subject lands would be loft style apartments (i.e. four (4) units maximum.)

4. With respect to the preliminary site plan submitted, the Building Department has advised that the proposal would require fifteen (15) parking spaces whereas (11) parking spaces are shown on the preliminary site plan (see Appendix "B"). The Traffic Department has advised that they would not support any reduction in required parking for the proposed uses.

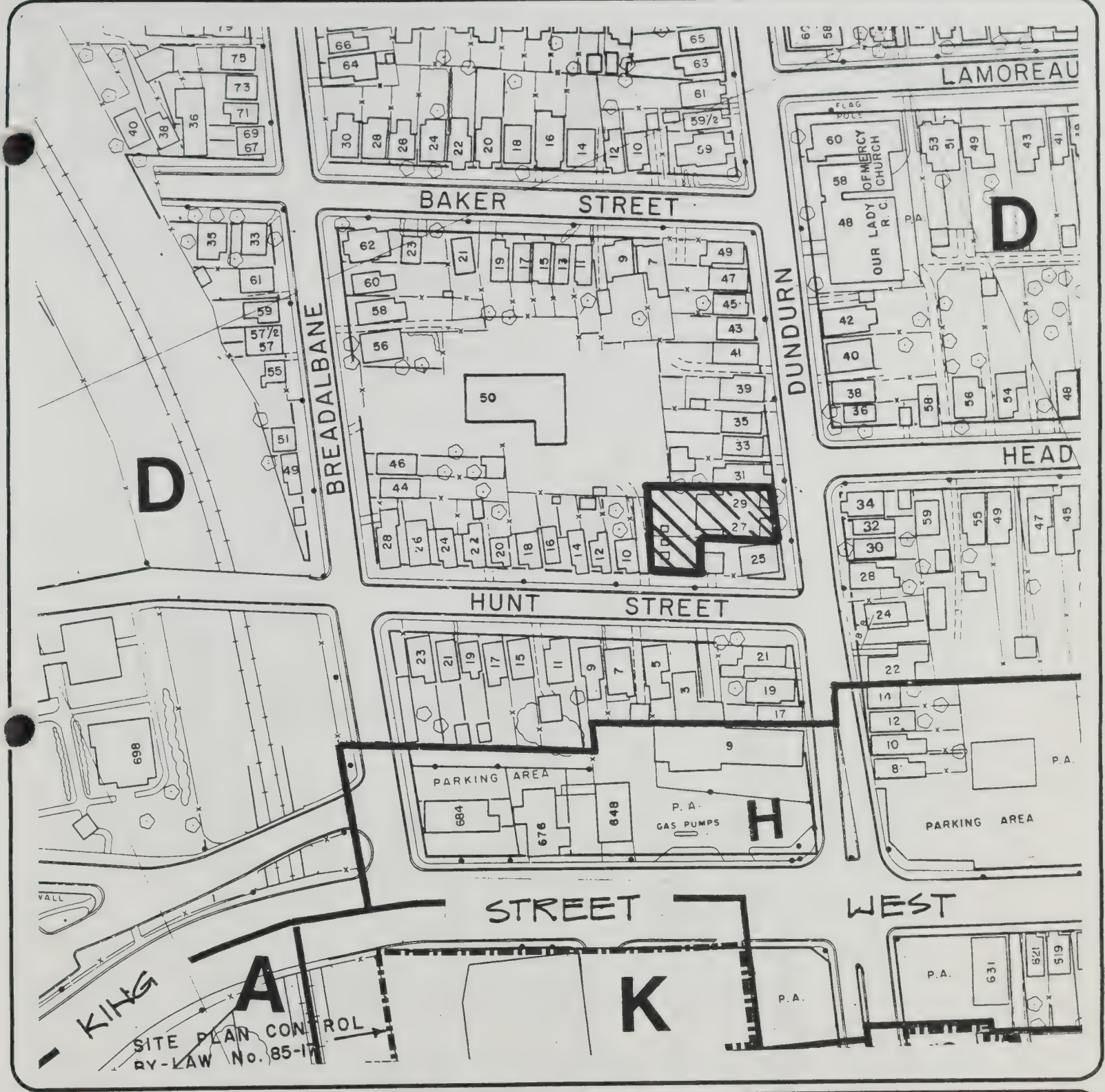
Furthermore, if parking is accommodated on site, only seven (7) of the proposed eleven (11) parking spaces would function properly provided there was relief granted with respect to the following (see Appendix "C") :-

- To allow seven (7) parking spaces whereas fifteen (15) parking spaces are required on site;
- To reduce the required planting strips whereas a 1.5 m planting strip is required along the boundary abutting the residential district to the north, east and west;
- To reduce the separation distance for the parking area to 1.5 m minimum whereas 3.0 m minimum is required for the first 6.0 m from the street line;
- To allow the point of ingress or egress at the lot line for a restaurant use to be closer than 30.0 m (98.43') to a residential district.
- To allow the parking area, driveway and manoeuvring area for the restaurant use to be less than 12.0 m (39.37') from a residential district.

CONCLUSION:

Based on the foregoing, the proposal cannot be supported.

JL/jl
ZAC9818



Legend

Change in Zoning from :



"D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to "H" (Community Shopping and Commercial, etc.) District modified

City of Hamilton

Location Map

Planning and Development Department

North



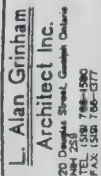
Scale
NOT TO SCALE

Reference File No.
ZAC-98-18

Date
May, 1998

Drawn By
R. L.

APPENDIX "A"



DRAFT

[illegible]

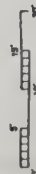
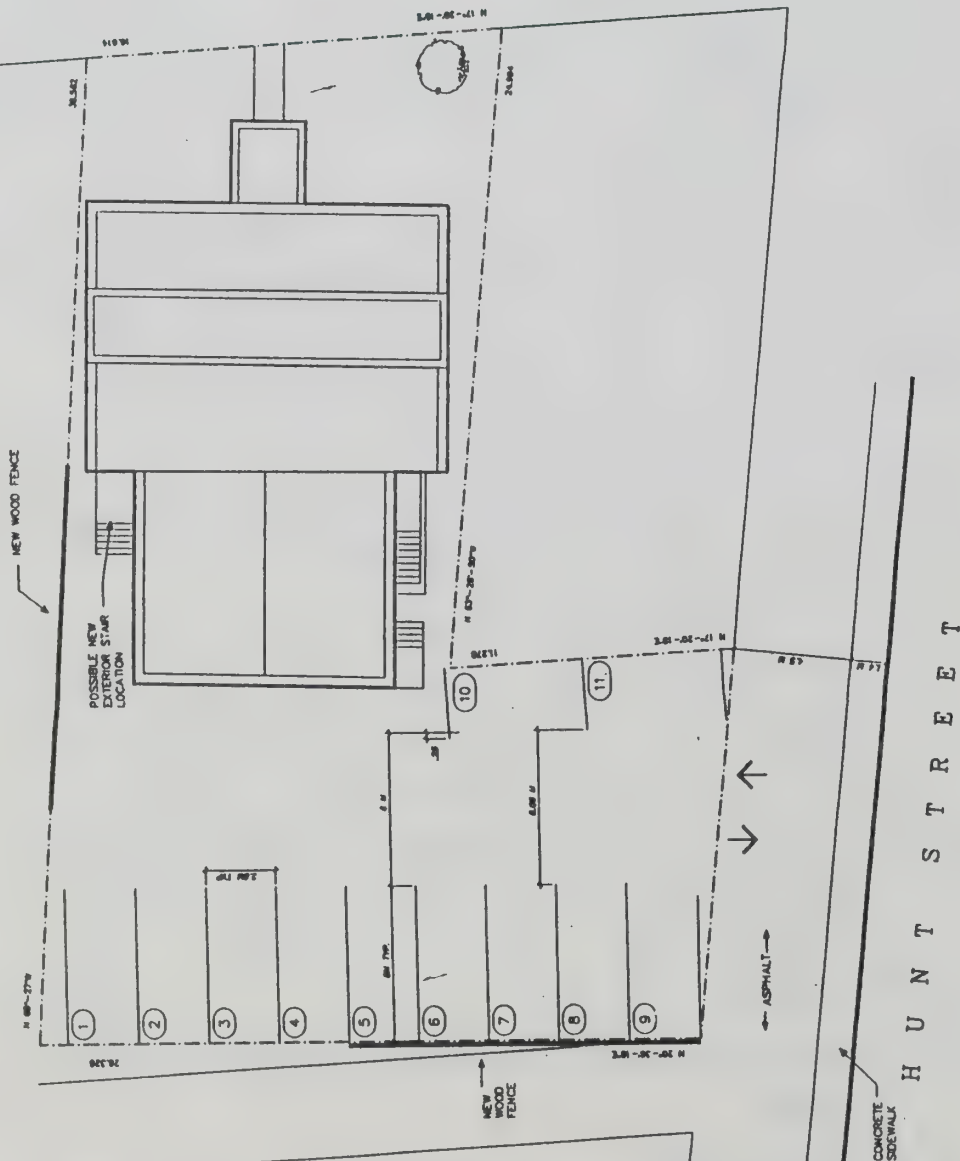
NO.	REVISION	DATE
<p>THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS ON SITE AND REPORT ANY DISCREPANCIES IMMEDIATELY TO THE ARCHITECT BEFORE PROCEEDING WITH THE WORK.</p> <p>OWNERS AND ARCHITECTS SHALL RETAIN THE PROPERTY OF THE ARCHITECT AS INSTRUMENTS OF THE SERVICE AND MUST BE RETURNED AT THE REQUEST OF THE ARCHITECT.</p> <p>NO. 202 - SOCIAL DRAWINGS</p>		

27 DUNDURAN
HAMILTON
ONTARIO

SITE PLAN

DATE	DAYS	REAL	MTS
10-10-78	10	10	10
10-11-78	11	11	11
10-12-78	12	12	12
10-13-78	13	13	13
10-14-78	14	14	14
10-15-78	15	15	15
10-16-78	16	16	16
10-17-78	17	17	17
10-18-78	18	18	18
10-19-78	19	19	19
10-20-78	20	20	20
10-21-78	21	21	21
10-22-78	22	22	22
10-23-78	23	23	23
10-24-78	24	24	24
10-25-78	25	25	25
10-26-78	26	26	26
10-27-78	27	27	27
10-28-78	28	28	28
10-29-78	29	29	29
10-30-78	30	30	30
10-31-78	31	31	31

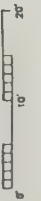
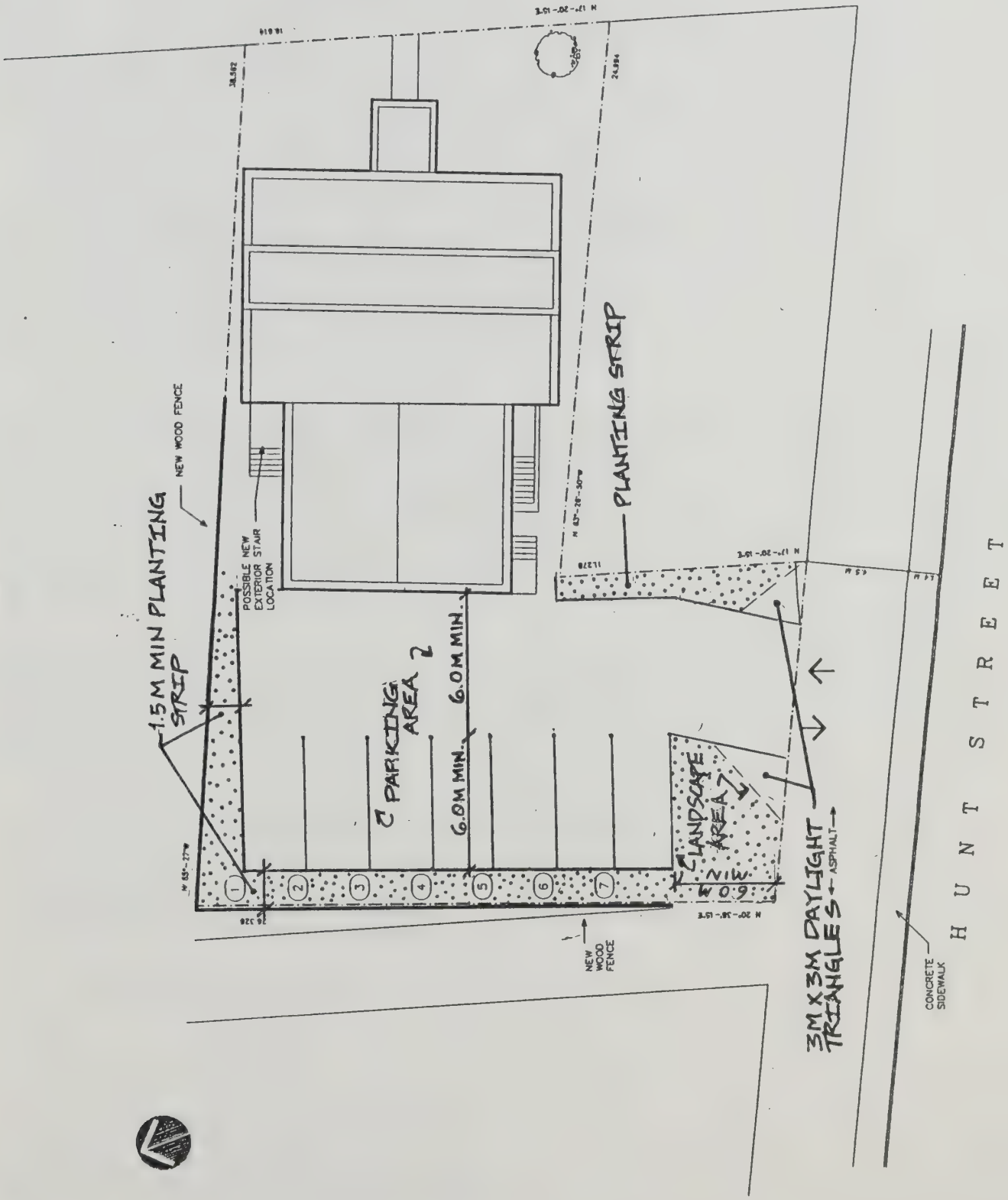
APPENDIX "B"



DUNDURN STREET NORTH

APPENDIX "C"

SITE PLAN



1a)

Caplan, Marvin

From: Jennifer Janik [jennifer@mks.com]
Sent: September 16, 1998 12:15 PM
To: mcaplan@city.hamilton.on.ca; mkiss@city.hamilton.on.ca
Cc: hugh@hwcw.org
Subject: The Staircase Cafe Theatre

SEP 16 1998

Regarding Zoning Case Number ZAC-98-18

The Staircase Cafe Theatre at 27 Dundurn North in Hamilton Ontario

The zoning conversion is from residential to commercial to facilitate a live theatre, coffee shop and loft apartment.

I am writing to support and HIGHLY recommend the approval of the Staircase Cafe Theatre rezoning to introduce a wonderful cultural center for Hamilton. I am looking forward to participating in the Staircase projects and shows - and to attending these events. I love the atmosphere of the architecture and the culture and history it represents. I also highly admire the dream and efforts of the people behind the project. It's impressive to see so much heart put behind a dream to build a cultural community.

I am from Waterloo. We have the K-W Little Theatre. It has been kept alive for probably 35-40 years and it has created a fabulous community atmosphere, not to mention a great venue for interesting entertainment and a place that is accessible to the general public for amateur theatre projects. There has been so much passion behind keeping this theatre alive that we were able to come up with independent funding to do renovations to the building, strip it back to the bare walls and put in proper regulation insulation (to meet fire codes) and even put a new roof structure. All of these are efforts took a considerable amount of volunteer blood, sweat and tears to make them happen, but imagine what that does for the spirit of a community.

Not only does the little theatre meet the needs of people who want to perform, but think of the people who love to do construction, wiring, set building, painting, work on the stage crews etc. etc. Think of how many people can find fulfillment in this type of culture? Think of how this type of energy flows out to the surrounding neighbourhoods and communities?

Do you think that the old hydro building would ever contribute more to the city if it was used for any other purpose? We certainly don't need another anonymous condo-building to suck up money and not give anything back to the community, we certainly don't need any more silly shops or boutiques or offices. We certainly don't need another beautiful piece of architectural history torn down or sitting there collecting cobwebs and pigeon guano. Let's inject some life and vitality into the community!

Three cheers for the Staircase project!

Sincerely,
Jennifer Janik

=====
You've got to work, like you don't need the money
Love, like you've never been hurt
You've got to Dance, like there's nobody watching
It's got to come from the heart if you want it to work

3 Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
Date: Sept. 16/98

1b)

Caplan, Marvin

From: Greg Tarasoff [gtarasoff@yahoo.com]
Sent: September 16, 1998 11:57 AM
To: mcaplan@city.hamilton.on.ca; mkiss@city.hamilton.on.ca; hugh@hwcen.org

RE: The Staircase Cafe Theatre at 27 Dundurn North in Hamilton Ontario. Zoning conversion from residential to commercial to facilitate a live theatre, coffee shop and loft apartment.

SEP 1 1998

Zoning case number: ZAC-98-18

Dear Sir and Madam:

I support the creation of a community theatre. We have several in our neighborhood here in Sacramento, and they have provided my friends and me with tremendously positive experiences.

I highly recommend this zoning change, as I know it will improve your community and the lives of your constituents.

Sincerely,

Gregory Tarasoff, MD

DO YOU YAHOO!?

Get your free @yahoo.com address at <http://mail.yahoo.com>

Caplan, Marvin

From: Robin Goldfin [reg2@is3.nyu.edu]
Sent: September 16, 1998 12:12 PM
To: mcaplan@city.hamilton.on.ca
Subject: The Staircase Cafe Theatre

SEP 1 1998

1c)

Dear Mr. Caplan,

It has come to my attention that there will be a zoning hearing for the Staircase Cafe Theatre on 9/23 (ZAC-98-18 is the case number). I believe this is a worthwhile project for the community and should have full support.

Sincerely,
 Mr. Robin Goldfin
 Master Teacher
 General Studies Program
 New York University

m

Caplan, Marvin

From: Adam Benjamin [aebenjam@opentext.com]
Sent: September 16, 1998 12:11 PM
To: mcaplan@city.hamilton.on.ca; mkiss@city.hamilton.on.ca
Cc: hugh@hwc.org
Subject: The Staircase Project

8661 1 DES

SEP 1 1998

Dear Sir/Madam,

I am writing to you to voice my feelings on the Staircase Cafe Theatre at 27 Dundurn North in Hamilton Ontario. As you are probably aware this site is currently the subject of a zoning change application (ZAC-98-18)

I am a member of an improvised theatre group here in Kitchener/Waterloo (where I currently reside.) The troupe's name is Theatre on The Edge (<http://ece.uwaterloo.ca/~tote>) I'm also an Executive member of a similar group in your area (currently under the name of ImproVanGogh - <http://www.worldchat.com/public/macleodh/ImproVangogh.htm>) It is on behalf of this latter group that I am writing you. In addition to being an Executive member I am both a performer and instructor for this Hamilton based group.

The Staircase Cafe Theatre represents an opportunity to create community based theatre which is publicly available and highly user (observer) friendly. It would provide ImproVangogh with a location to both workshop and perform, and offer the local community a source of inexpensive entertainment. It is my understanding that ImproVanGogh would be only one of many theatre groups that would benefit from the use of the Staircase Cafe Theatre as its base of operations, and it is my firm belief that this activity would add to the community in a highly positive manner.

If you have any questions I would be happy to elaborate on my experiences with ImproVanGogh, and with community based theatre in general.

Thank you for your time,

Adam Benjamin
Systems Administrator
Open Text Corporation

---> The opinions expressed in this email are my own and not <---
---> that of my company or co-workers. <---

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
Date: Sept 16/98

1e)

Caplan, Marvin

From: beth hill [b.chown@arnprior.com]
Sent: September 16, 1998 1:28 PM
To: 'mcaplan@city.hamilton.on.ca'
Cc: 'hugh@hwcn.org'
Subject: The Staircase Cafe Theatre at 27 Dundurn North in Hamilton Ontario.

SEP 16 1998

Mr. Caplan

Regarding zoning case number:
ZAC-98-18
The Staircase Cafe Theatre at 27 Dundurn North in Hamilton Ontario.

This is case of conversion of zoning from residential to commercial to facilitate a live theatre, coffee shop and loft apartment.

I lived in Hamilton for 8 years and still return often to visit. I believe strongly that this project is a good thing.

The intimate performance space for the arts community of Hamilton. will fill a need for developing groups (improvisation, sketch, dance, poetry) to find an affordable place to perform. I would be very happy to have a similar facility available in my community (Arnprior, Ontario).

Sincerely,
Beth Chown
Arnprior

Caplan, Marvin

From: Jamey Rosen [jrosen@sciborg.uwaterloo.ca]
Sent: September 16, 1998 1:24 PM
To: mcaplan@city.hamilton.on.ca; mkiss@city.hamilton.on.ca
Subject: Zoning case ZAC-98-18

SEP 16 1998

1f)

To Whom it May Concern,

I understand that there is the possibility of allowing the renovation of a building to construct a small theatre. This is one of the best pieces of news I've heard in a long time. Such an intimate theatre is exactly what the Hamilton region is missing in its arts and cultural community. I have for many years heard complaints from fellow actors, poets, musicians, and other performers that Hamilton is a severely difficult place to find a small-scale and affordable performance space.

Please do what you can to see that this project becomes a reality.

Sincerely,
Jamey Rosen, part-time musician and theatre director
519.746-6457

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
Date: Sept 16/98

19)

Agnello, Tina

From: Caplan, Marvin
To: 'Judith Koeller'
Cc: Agnello, Tina
Subject: RE: In Support of zoning case ZAC-98-18, The Staircase Theatre
Date: September 16, 1998 2:21PM

Thank you for your note, By copy of this response, I am asking the Committee Clerk to distribute it to members of committee.

-----Original Message-----

From: Judith Koeller [mailto:judith@peergroup.com]
Sent: September 16, 1998 2:10 PM
To: 'mcaplan@city.hamilton.on.ca'; 'mkiss@city.hamilton.on.ca'
Cc: 'Hugh MacLeod'
Subject: In Support of zoning case ZAC-98-18, The Staircase Theatre

Dear Mr. Caplan and Ms. Kiss,

>

This letter is in support of zoning case ZAC-98-18, for the Staircase Theatre at 27 Dundurn North in Hamilton. I feel that the conversion of the old transformer station into a live theatre, coffee shop and loft apartments would be a positive thing for Hamilton.

I reside in Kitchener-Waterloo and benefit from two similar ventures. A 112-year old heritage building in the heart of Waterloo has become home to the Waterloo Community Arts Centre (see http://www.w7.com/a_and_e/but_fact/history.htm). The beautiful building was originally a button factory and has high ceilings, wood floors and large windows. The centre is used for art classes, dance recitals, theatre, music, coffee houses, literary events. It also provides a home base during Waterloo's annual Busker Carnival. I am a member of the theatre troupe Theatre on The Edge. As a resident group at the Waterloo Community Arts Centre, we perform a weekly show there.

Theatre on The Edge also holds workshops at Kitchener Waterloo Little Theatre (see <http://www.sentex.net/~kwlt/>). This building is an old house which has been converted to a theatre with two intimate performance spaces. It is used for theatre shows and workshops, musical performances and community fundraising events.


The Waterloo Arts Centre and Kitchener Waterloo Little Theatre offer a lot to the Kitchener-Waterloo community:

- * They revive the downtown core by preserving and restoring heritage buildings. The buildings and their grounds are well-kept.
- * People who attend classes and performances at these facilities patronize the neighbouring restaurants, stores and businesses.
- * Residents of the neighborhoods can attend functions in their own neighbourhoods, without driving to suburbs for recreation.
- * Local amateur groups have an affordable space in which to develop and showcase their crafts.
- * Facilities are available for visiting groups, such as the Waterloo Busker Carnival and touring improvisation groups which have visited W.C.A.C.

Both these buildings are in downtown Waterloo, in which have residential and commercial properties nearby. For three years I lived just blocks from both of these places, and I never experienced any problems with parking or noise as a result of them.

I believe that The Staircase Theatre will be of similar benefit to Hamilton. By allowing it for use as a theatre, coffee shop and apartment, Hamilton

Page 1

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
 Date: Sept 16/98 

will see one of its heritage buildings preserved and opened to its public. The Staircase Theatre will promote the efforts of local community groups and its clientele may boost neighbouring businesses. In addition, its proximity to the highway make it accessible to visiting groups and patrons from nearby communities. I would be very happy to visit Hamilton for an evening, eat dinner downtown and see a show at the Staircase Theatre.

Judy Koeller
96 Maplewood Pl
Kitchener, Ont.
N2H 4L5
(519) 570-2469

Agnello, Tina

From: David R Keane
To: tagnello; Tina Agnello (Planning Committee)
Subject: Application, Staircase Cafe/Theatre (ZAC-98-18)
Date: September 16, 1998 8:42PM

SEP 1 1998

Ms. Tina Agnello
Secretary, Planning and Development Committee
City Hall, 71 Main Street West
Hamilton, ON

Dear Ms. Agnello:

We are writing in regard to the zoning application submitted
by the Staircase Cafe/Theatre, # ZAC-98-18.

We have been joint owner-occupants at 42 Head Street,
Hamilton, since 1986. Recently we discussed with the
applicants their plans and the expected scale of their
operations, and with some of our neighbours our mutual
concerns about the impact of the proposed theatre/cafe for
Head Street residents. Our conclusion is that the proposed
theatre/cafe is an acceptable use of the property in
question.

Cafe-users and audiences for the theatre are likely to be a
mixed lot. We can certainly anticipate numerous McMaster
students, even senior high school students, many of whom
will use the HSR or their bicycles to reach the area. We
expect, therefore, that the volume of evening automobile
traffic associated with the proposed theatre/cafe will be
tolerable and will not cause serious parking problems on the
streets in the immediate area.

The fact that the owners will not permit the cafe operator
to acquire a liquor licence also recommends it to us. Our
experience with late-night party-goers leaving the banquet
hall of nearby St. Demetrios' Greek Orthodox Church (22
Head), is that unacceptable late-night noise is inevitable
where liquor is served.

We also recommend the application to Committee members
because we think local theatrical companies and audiences
need the sort of rehearsal/performance facility the
applicants intend to provide. Specifically, something much
smaller and much, much cheaper than Hamilton Place and
equivalent sites in the region. For student-oriented and
other non-professional entertainers and theatre groups, the
proposed theatre should prove a welcome addition to the
area's limited stock of small, affordable rehearsal and
performance spaces suitable for both performers and
audiences with limited budgets.

Sincerely,

David Keane and Aurelia Shaw

-----Original Message-----

From: Wingspans2@aol.com [SMTP:Wingspans2@aol.com]
Sent: September 16, 1998 7:50 PM
To: hugh@hwcnc.org; mcaplan@city.hamilton.on.ca
Subject: Staircase Theatre Project

SEP 17 1998

1 i)

Dear Mr. Caplan:

My name is Jason Markusoff, a high school student of Dundas, Ontario. I am a fan of local arts and theatre, and I also lead the Highland Secondary School Improvisation Team. I believe that the Staircase Cafe Theatre would make an excellent addition to the community surrounding its location on Dundurn Street North, Hamilton. By comparison, my community of Dundas is host to many similar small endeavours, such as Tower Poetry Society and Dundas Little Theatre, but no one umbrella collective of different form of arts. The Staircase Theatre project would create such and collaborative venue for a diverse range of local arts and theatre, and is an excellent opportunity for an area in Hamilton which does not have so much to offer by way of performance spaces/theatres. It would enrich the community to re-zone the location into a commercial building, and therefore allowing this great project to commence. Thank you very much for your time.

Sincerely,
Jason Markusoff

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.

Date: Sept. 17/98

-----Original Message-----

From: Colin Walters [SMTP:colwal@hwcen.org]
Sent: September 16, 1998 11:43 PM
To: mcaplan@city.hamilton.on.ca
Cc: mkiss@city.hamilton.on.ca; hugh@hwcen.org
Subject: The Staircase Cafe Theatre

1j)

Dear Aldermaen:

I wish to express my support for the Staircase Cafe Theatre project
,27 Dundurn St. N., which is coming up for zoning approval on Wed. Sept.
23/98. (case ZAC-98-18)

Dinner theatre is something I have enjoyed in the past and I can tell
you I will certainly use the Staircase Cafe Theatre.

Ciao for now

Colin

Copy to D.A. Lychak, City Manager; V. Abraham, Director of
Planning and Development; P. Noé Johnson, City Solicitor from
T. Agnello, Secretary, Planning & Development Committee.

Date: Sept 17/98

-----Original Message-----

From: jane caulfield [SMTP:alouwishious@yahoo.com]
Sent: September 16, 1998 10:15 PM
To: mcaplan@city.hamilton.on.ca
Subject: Cafe and theater in one? WOW!!!

SEP 17 1998

1k)

Dear Mr Caplan,

I am sure that you have heard much about the zoning (ZAC-98-18) of the Staircase Cafe and Theater at 27 Dundurn North in Hamilton Ontario, and you do not want to hear anymore, but alas I am writing you for just that reason. I have seen the people there in action and I am always impressed with the talent, brains and enthusiasm that this group of people share. I fully support them with the zoning project, because I not just think but feel that the Cafe and theater in one is an excellent idea. It can be a big support to the hidden artists in Hamilton, and help to find new talent which will help to put Hamilton on the international map. It could help children and teenagers find their talents that they have not yet discovered. Not to mention the boost of self-esteem they would get, Just as I did by attending only a few of the improve workshops run by Hugh and his gang. I hope you will take my thoughts and words in to consideration.
:)

Thanks!

Jane Caulfield

DO YOU YAHOO!?

Get your free @yahoo.com address at <http://mail.yahoo.com>

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.

Date: Sept - 17/98

-----Original Message-----

From: Sharon Cavanagh [SMTP:sharon.cavanagh@hwcen.org]
Sent: September 16, 1998 9:55 PM
To: mcaplan@city.hamilton.on.ca
Cc: mkiss@city.hamilton.on.ca; hugh@hwcen.org
Subject: Zoning - The Staircase Theatre

12)

Hi Marvin:

Thought you might like to know that I support the application of this group to open a cafe, theatre on Dundurn North. The area certainly can accomodate any parking, traffic concerns as there are so many commercial establishments around that corner. This new undertaking has the potential of becoming part of what I see as a "bridge" of activities that links the Hess Village area to the Westdale area. I'm aware of another new business opening just around the corner on King Street that will include food, and space for workshops and presentations and this theatre/cafe would be another place for people to gather and enjoy themselves. I hope that you can support their application for rezoning. Kindest regards...Sharon

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.

Date: Sept 17/98

-----Original Message-----

From: Adam Cornwell [SMTP:acornwel@gbc.gbrownc.on.ca]
Sent: September 16, 1998 9:07 PM
To: mcaplan@city.hamilton.on.ca
Cc: mkiss@city.hamilton.on.ca
Subject: Zoning Change for 27 Dundurn North (ZAC-98-18)

1m)

This message is in support of the proposal for a zoning change at 27 Dundurn North in Hamilton, from residential to commercial. I understand that the purpose of this zoning change is to allow the creation of a performance and exhibition space for amateur artists in Hamilton.

Probably the largest barrier to young or beginning artists is finding a venue to share their work to the public. A performance space such as the one proposed would give them the opportunity to improve their talent and gain valuable experience. It also provides artists the opportunity to share their ideas and support each other.

At the same time, the community in general benefits from the availability of new and original entertainment (poetry, dance, theatre, etc) featuring local people. My experience with similar enterprises has been extremely positive.

I hope that you will take these ideas into consideration when the zoning decision for the Staircase Cafe Theatre is made next week.

Thank you,

Adam Cornwell

Professor of Technology
George Brown College

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
Date: Sept 17/98

-----Original Message-----

From: Allen Sens [SMTP:agsens@pop.unixg.ubc.ca]
Sent: December 31, 1969 6:00 PM
To: mcaplan@city.hamilton.on.ca
Subject: Staircase Cafe Theatre

1n)

To Hamilton City Aldermen Marvin Caplan and Mary Kiss:

My name is Allen Sens, and I am a professor of Political Science at the University of British Columbia.

I am sending this e-mail in support of the Staircase Cafe Theatre at 27 Dundurn North in Hamilton. This project involves a proposed zoning conversion from residential to commercial to facilitate a live theatre, coffee shop, and loft apartment (zoning case number ZAC-98-18). It is my hope that you will support this zoning conversion application and permit this project to proceed.

In recent years, the amateur theatre community in Vancouver has been rejuvenated with the opening of small, community-based theatres which allow local residents to participate in live theatre and enjoy local talent. I believe there are a number of reasons for this surge in interest.

First, many people in Vancouver have found that joining such theatre companies and participating in poetry and literature readings, improv theatre, and guest speaker series has reinvigorated their personal lives, which are increasingly detached from non-work related social events. At such theatres they can find friends, neighbors, relaxation, humour, and learning in a community environment. These are things that cannot be found in multiplex film theatres, malls, and large scale theatre productions.

Second, there is an increased yearning for live entertainment. People are tiring of videos and movies, and they work all day with computers or do business over the telephone. Live theatre puts the human back into our lives; the actors are real, the speakers and the poetry readers are real; the patrons of the cafes are real. Live theatre "unwires" us from the "wired world".

Third, as big production companies dominate most large theatres, an entire

generation of young artists (actors, playwrights, comedians, poets, and story-tellers) have had to rely on small, community theatres to develop and hone their skills. At UBC, many of our fine arts graduates get their start in improv theatre and small community festivals which are held in small theatres. An artistic community can only be sustained by opportunities to perform; without such opportunities, people drift away from the arts or leave for other cities.

Fourth, big entertainment comes with big prices. Community based theatres are generally very inexpensive, and therefore accessible. In many ways, they serve as community centres, much in the same way as the "coffee in the lobby" film theatres did before they were almost destroyed. I live close to one of the few such theatres left in Vancouver, "The Ridge". On most nights, The Ridge plays offbeat film, foreign movies, and Canadian films that would never have a chance in mainstream theatres. The Ridge is famous in Vancouver because of this.

Finally, I believe that the health of a community, a neighborhood, and a city can be measured by its meeting places. Parks and public places are created for this purpose; they are parts of our cities that are zoned for recreation, activity, and relaxation. I believe the same can be said for interior spaces. The Ridge Theatre, the Granville Island Theatre, the Vancouver East Cultural Centre, and many more are community spaces, nestled in residential areas, and given commercial zoning. They serve the same function as Stanley Park and the North Shore mountains. The artistic life of Vancouver, and the opportunity of citizens to participate in the arts, is increased immeasurably by the presence of these small theatres. They are growing in popularity world wide; I have seen such theatres in US cities, in England, in Belgium, Germany, France, and Eastern Europe. They do not just exist in a community, they are part of a community.

It is my hope that for these reasons you will support this theatre project in Hamilton, and support the zoning conversion application.

Sincerely,

Allen Sens

Institute of International Relations
C456-1866 Main Mall
University of British Columbia
Vancouver, BC
V6T 1Z1

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.

Date: Sept 17/98

-----Original Message-----

From: Valerie Dolan [SMTP:ao030@hwcen.org]
Sent: September 16, 1998 11:50 PM
To: mcaplan@city.hamilton.on.ca
Cc: hugh@hwcen.org
Subject: THE STAIRCASE CAFE THEATRE

101

Dear Mr. Caplan:

I have been following, with interest, the development of The Staircase Cafe/theatre at 72 Dundurn St. N. I believe that this facility can offer a much needed venue in Hamilton for the arts. The location affords parking, not only on the premises, but in the area. The attractions in the City for tourists (at least for those with whom I am acquainted outside of Hamilton), appear to be in the area of Hess Street and moving west.

I support the change of zoning (ZAC-98-18) for this address, from residential to commercial. Hamilton requires a life theatre such as this for people to come together and enjoy themselves.

Best regards,
Valerie Beattie-Dolan

Valerie Beattie-Dolan, B.A., H.S.C.
Psychotherapist
Hamilton, Ontario
(905) 575-5976

Copy to D.A. Lychak, City Manager; V. Abraham, Director of
Planning and Development; P. Noé Johnson, City Solicitor from
T. Agnello, Secretary, Planning & Development Committee.
Date: Sept. 17/98

7p)

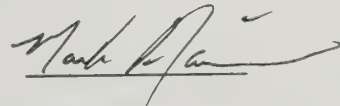
Secretary,
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, Ontario
L8P 4Y5

SEP 17 1998

Please consider this letter in regards to the zoning application of the Staircase Cafe/Theatre (ZAC-98-18), the undersigned, would like to make it known to members of the planning and development committee that I/we **support** the multi-use (restaurant, theatre, loft) project planned for 27 Dundurn North.

Yours truly,

Signature:




Name:

MARK FAIRMAN

Address:

48 HERS ST.

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.
Date: Sept. 17/98 

-----Original Message-----

From: Bernie Roehl [SMTP:broehl@ece.uwaterloo.ca]
Sent: September 17, 1998 9:24 AM
To: mcaplan@city.hamilton.on.ca; mkiss@city.hamilton.on.ca
Cc: hugh@hwc.n.org
Subject: Staircase Cafe Theatre

19)

Hello!

I'm writing to voice my support for the Staircase Cafe Theatre project.

I'm currently involved with an improvisational theatre group in the Kitchener-Waterloo area. I remember when we were first starting up, the big challenge was finding a space to perform. Fortunately, the City of Waterloo had made provision for groups such as ours, by donating some property they owned to a local arts cooperative (the Waterloo Community Arts Centre). Now groups such as ours (Theatre on the Edge) and many other performing and visual arts organizations have a home, and the community as a whole benefits from having such a facility in the city.

It appears that you now have an opportunity to help foster the development of such a facility in your municipality, through a simple zoning change.

I would strongly encourage you to take advantage of this opportunity. I know the organizers of the project personally, and I can certainly vouch for their dedication to the project and their ability to make it happen.

Please feel free to contact me at any time if I can offer any additional information, or be of any help.

--

Bernie Roehl
University of Waterloo Dept of Electrical and Computer Engineering
Mail: broehl@ece.uwaterloo.ca Voice: (519) 888-4567 x 2607 [work]
URL: <http://ece.uwaterloo.ca/~broehl/bernie.html>

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.

Date: Sept 17/98

[Signature]

-----Original Message-----

From: Michael Voralia [mailto:voraliam@fhs.csu.mcmaster.CA]
Sent: September 17, 1998 11:49 AM
To: mkiss@city.hamilton.on.ca
Cc: mcaplan@city.hamilton.on.ca; hugh@hwcn.org
Subject: Rezoning application

1r)

18 September 1998

Dear Aldermen Kiss and Caplan:

I am writing to strongly support the application by the Hamilton Staircase Theater Group for a rezoning of the Staircase Theater Cafe at 27 Dundurn North from residential to commercial status (File ZAC 98-18).

As a recent migrant to Hamilton from British Columbia, I have been struck by the distinct lack of cultural facilities within the downtown core and environs of this otherwise pleasant and livable city. Although noisy bars abound, there are few if any meeting places for artistic-minded citizens. The proposed Staircase Theater and Cafe will help fill this void. This group of volunteers has proven their dedication to improving the cultural lot of individuals over the past several years. It is now time to allow them a permanent space in Hamilton, in order that the public can enjoy and partake in their activities.

The project that the group has submitted is a ground-breaking one and should be encouraged. They have taken a disused power station and converted it to an agreeable multiuse space. It is rare to see such forward thinking.

I note that the zoning change is from residential to commercial. There are a number of examples of such changes approved recently on Queen and Locke Streets, most of which have not been to the benefit of residents (gas stations, 24 hour convenience stores, etc.) A community theater, on the other hand, would be much more desirable.

I hope you will both agree that this project should be wholeheartedly supported.

Please do not hesitate to contact me at this e-mail address should you have any questions.

Sincerely,

Michael Voralia, MD FRCPC

Copy to D.A. Lychak, City Manager; V. Abraham, Director of Planning and Development; P. Noé Johnson, City Solicitor from T. Agnello, Secretary, Planning & Development Committee.

Date: Sept 17/98 ✓ JA

1s)

海明頓華人宣道會
Hamilton Chinese Alliance Church

50 Breadalbane Street, Hamilton, Ontario, Canada L8R 3G1
Tel: (905) 522-0342 Fax: (905) 522-2736

吳偉權牧師
Rev. Daniel Ng, Senior Pastor

September 18, 1998

SEP 18 1998

Secretary
Planning and Development Committee
City Hall
71 Main Street West
Hamilton, On L8P 4Y5

Re: Planning Department File # ZAC-98-18

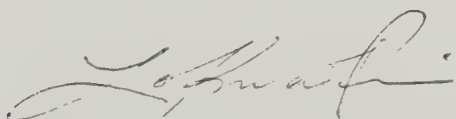
Dear Secretary,

We at Hamilton Chinese Alliance Church object to the rezoning of 27 Dundurn Street North for the following reasons:

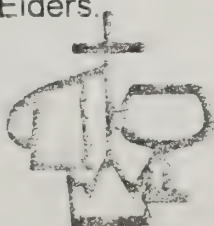
1. This is a residential area and quiet neighbourhood. Opening up a theatre and a restaurant here would funnel the traffic from the main streets into this area, creating unnecessary and unwanted traffic.
2. Since the main activities of the proposed establishment will take place in the evening, noise will be a concern.
3. The lot on 27 Dundurn Street North is not big enough to house the theatre, restaurant and still provide sufficient parking space for their patrons. This means that there will be cars overflowing its parking lot onto the street and neighbouring parking areas.

Thank you for this opportunity to voice our concern.

Hamilton Chinese Alliance Church



Kwai-Pui Lo, Secretary, Board of Elders.



1+)

Cecil Manuel
9 Hunt Street
Hamilton, Ontario
L8R 1R1

SEP 1 11 1998

September 18, 1998

Secretary of Planning and Development Committee
City Hall, 71 Main Street West
Hamilton, Ontario L8P 4Y5

Dear Sir/Madam

My wife and I are owners of the house at 9 Hunt Street. We have been living in this address for almost 20 years now. We oppose the proposed rezoning of the property at 27 Dundurn Street North. This area is a quiet residential neighbourhood. Like my wife and I, many of the older folks here enjoy their retirement in this neighbourhood. Rezoning it will add undesirable noise and traffic. We would endeavour to keep this area unchanged and undisturbed.

Thanks for your kind attention.

Sincerely



Cecil Manuel

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 September 15
ZAC-98-26
Hill Park Neighbourhood

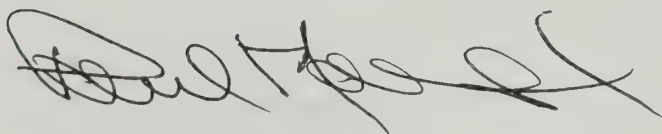
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for modifications and a change in zoning -
lands located south of Fennell Avenue and north of
Inchlee Drive, known as 334 East 14th Street

RECOMMENDATION:

- (a) That Zoning Application ZAC-98-26, Cornerstone Commercial Realty Corporation, owner, requesting a modification to the established "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "1"), a change in zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings, Lodges, Clubs, etc.) District (Block "2") and for a modification to the established "C" (Urban Protected Residential, etc.) District (Block "3"), for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street, as shown on the attached map marked as APPENDIX "A", be TABLED at the request of the applicant's agent, and recircularized for a Public Meeting.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

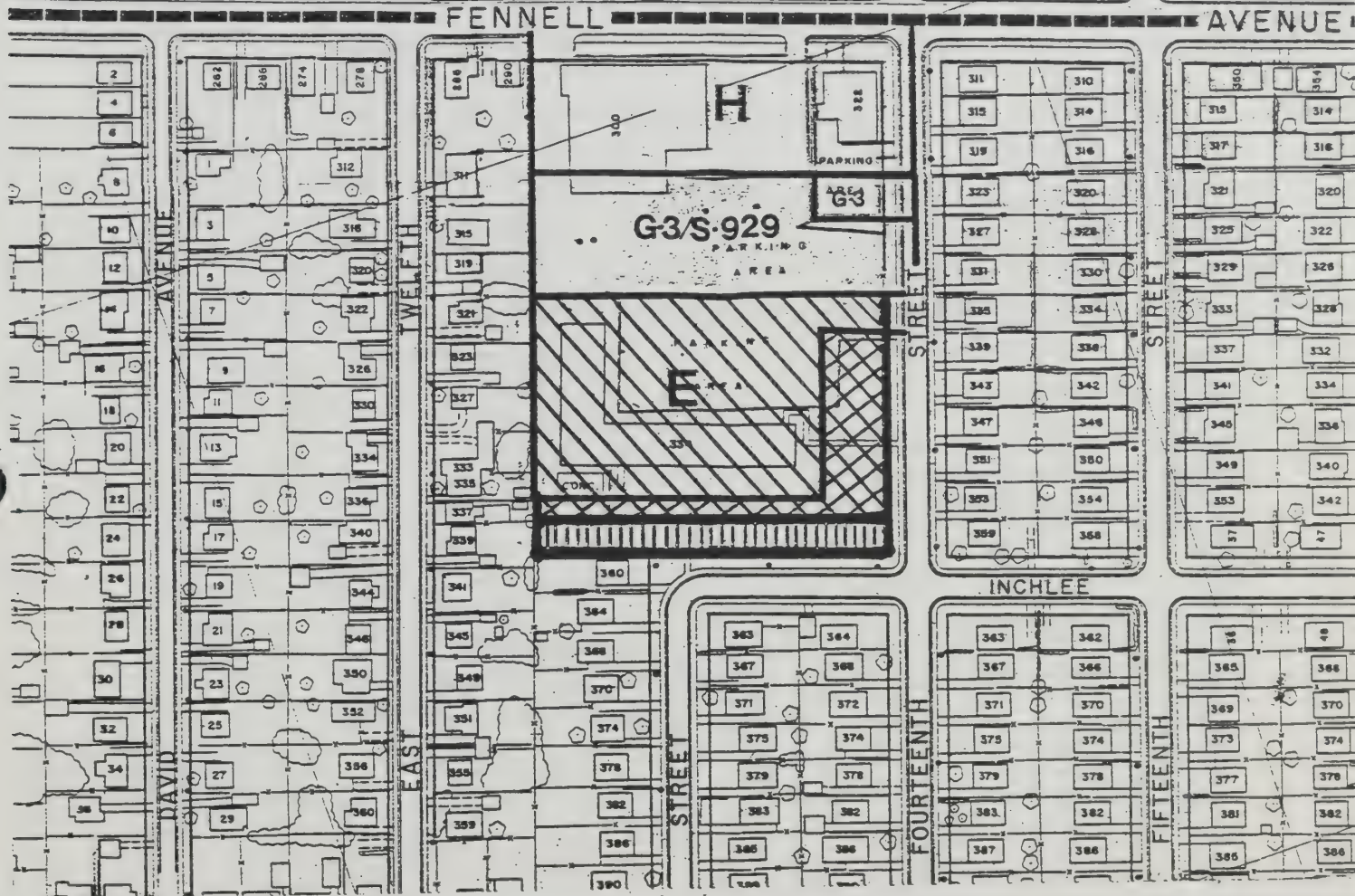
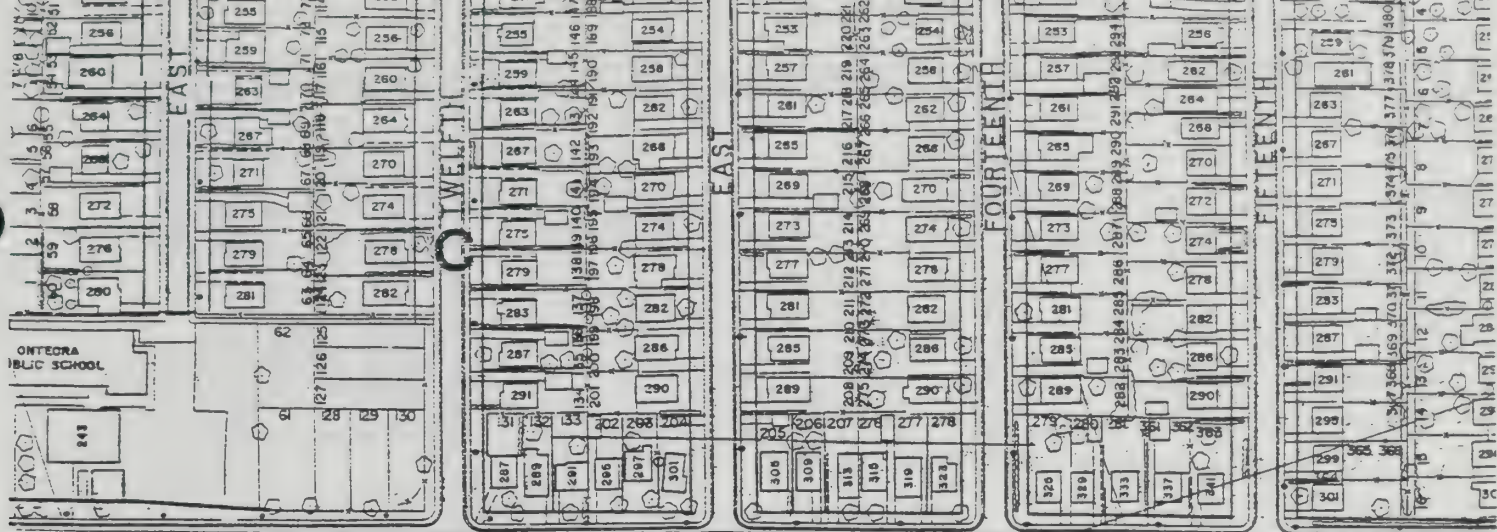
BACKGROUND:

The application is for modifications and a change in zoning for lands located south of Fennell Avenue and north of Inchlee Drive, known as 334 East 14th Street to recognize the existing apartment building (Blocks "1" and "2") and to permit three lots for single family dwellings fronting onto Inchlee Drive (Block "3") (see APPENDIX "B").




On September 15, 1998, the applicant's agent requested that the application be TABLED in order to allow for the submission of additional background information and to meet with Planning staff.

In keeping with the requirements of the Planning Act, a new Notice of Public Meeting will have to be circularized. It is anticipated that this item will be scheduled for the October 21st Meeting.

PDM/mm



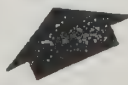
Legend

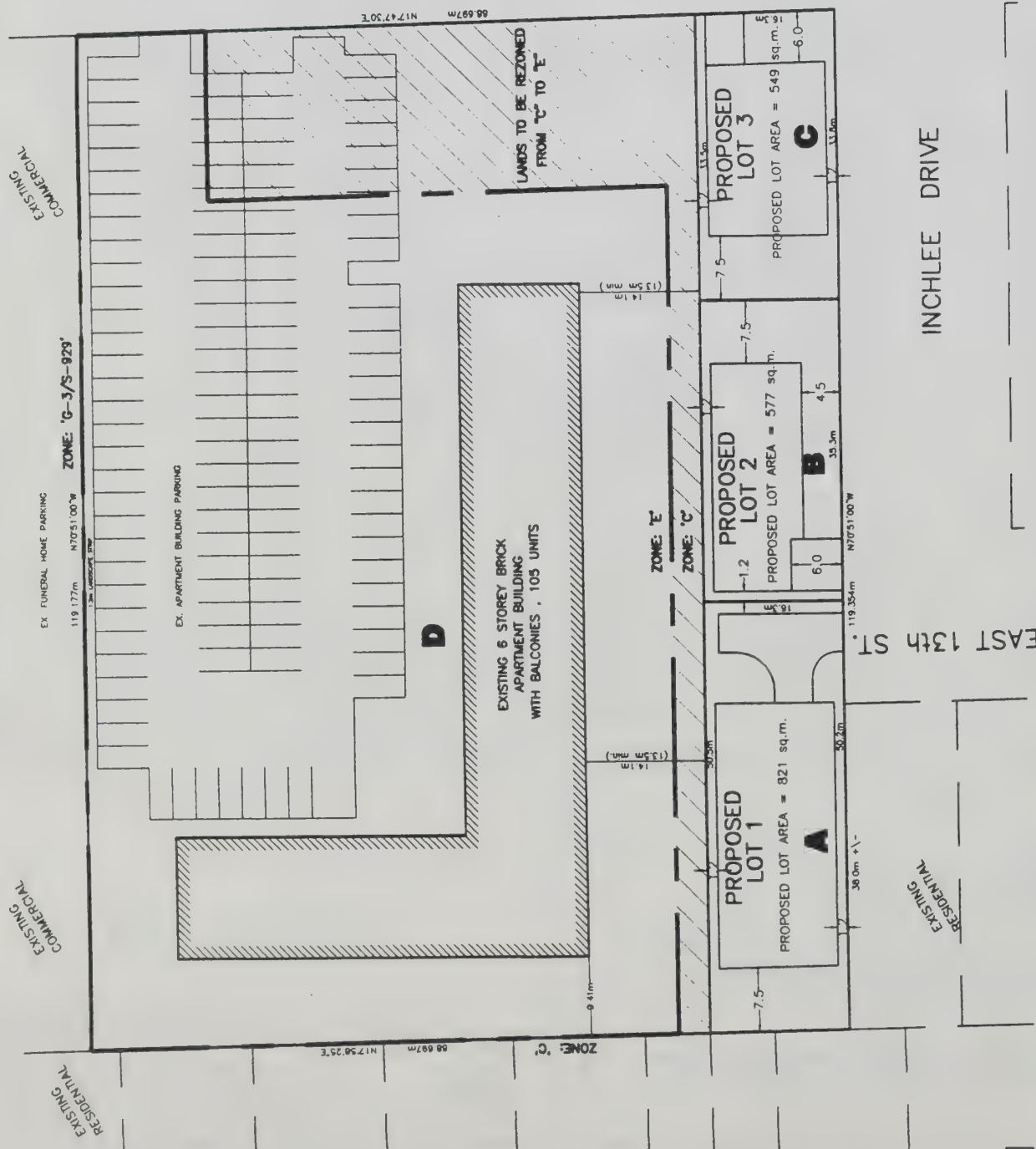
-  **BLOCK 1** Modification to the established "E" (Multiple Dwellings) District
-  **BLOCK 2** Change in Zoning from "C" (Urban Protected Residential, etc.) District to "E" (Multiple Dwellings) District, modified
-  **BLOCK 3** Modification to the established "C" (Urban Protected Residential, etc.) District

City of Hamilton

Location Map

Planning and Development Department

	Scale NOT TO SCALE	Reference File No. ZAC-98-26
	Date July, 1998	Drawn By B. B.



RESIDENTIAL
EXISTING

LEGEND

EXISTING "C" (URBAN PROTECTED
RESIDENTIAL) DISTRICT TO "E"
(MULTIPLE DWELLINGS) (MODIFIED)



**PLANNING &
ENGINEERING
INITIATIVES LTD.**

200 John Street South, Suite 200
Windsor, Ontario L9M 2B8
Tel: (800) 368-1010 Fax: (800) 368-1011

Architects	Scale: 1/4" = 1'-0"
Designed By:	
Drawn By: S.M.P.	Date: AUG 1968
Checked By: S.M.	Drawing Number: 1 - 1
Sheet: 104-42001	

PLANNING & ENGINEERING INITIATIVES LTD.

☐ 379 Queen Street South
Kitchener, Ontario N2G 1W6
Tel. (519) 745-9455 Fax (519) 745-7647
e-mail: kitchener@peinitiatives.on.ca

☒ 69 John Street South, Suite #200
Hamilton, Ontario L8N 2B9
Tel. (905) 546-1010 Fax (905) 546-1011
e-mail: hamilton@peinitiatives.on.ca

2a)

PLANNERS
CONSULTING
ENGINEERS &
LANDSCAPE
ARCHITECTS

September 15, 1998

File No: HP-482

City of Hamilton
Planning & Development Department
71 Main Street West
Hamilton, Ontario
L8P 4Y5

Attention: Mr. Paul Mallard

Dear Mr. Mallard:

RE: APPLICATION ZAC 98-26 — 334 EAST 14TH STREET

Further to our discussion earlier this morning, we wish to confirm that we, on behalf of the applicants, request that the above noted application, which is scheduled for the September 23, 1998 Planning & Development Committee meeting, be tabled. We request deferral of this matter in order that we may provide your Department additional information in support of this application.

Thank you for your co-operation to date in this particular matter. Should you have any questions or concerns, please do not hesitate to contact the undersigned.

Paul Puopolo, MA, MCIP, RPP
OALA, President

John Ariens, MCIP, RPP

Steve Brown, MBA, P. Eng.

Mark Dykstra, B.L., Arch.

Scott Lang, P. Eng.

Scott Llewellyn, P. Eng.

Sergio Manchia, MCIP, RPP

John Perks, MBA, P. Eng.

David Sisco, B.A.

Don Stewart, MES, MCIP, RPP

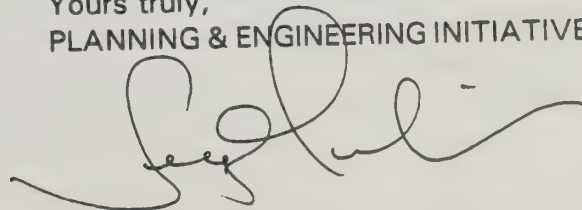
Tim Zavitsky, P. Eng.

Associates:

A.G. (Sandy) McLellan, Ph.D
Jonathan Price, Ph.D
Barry Warner, Ph.D

Yours truly,

PLANNING & ENGINEERING INITIATIVES LTD.



Sergio Manchia, MCIP, RPP
Senior Planner

SM/lh

cc: Alderman Kelly
Mr. Michael Strus
Mr. Jack Restivo

3.

CITY OF HAMILTON
- RECOMMENDATION -

SEP 15 1998

DATE: 1998 September 15
ZAC-98-27
Kentley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.F.
Director, Planning and Development Department

SUBJECT: Request for a modification in zoning - 535 and 537
Queenston Road

RECOMMENDATION:

- (a) That approval be given to Official Plan Amendment No. , to establish a new Special Policy Area to permit a naturopathic clinic within the existing building, on lands known municipally as 537 Queenston Road (Block "2"), as shown on the attached map marked as APPENDIX "A", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to Amended Zoning Application ZAC-98-27, Marco Ramelli and Mukesh Patel, owners, requesting a modification to the established "B-1" (Suburban Agricultural and Residential, etc.) District regulations, to permit a chiropractic office for property located at 535 Queenston Road (Block "1"), and a naturopathic office for property located at 537 Queenston Road (Block "2"), as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
 - 1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the

following uses shall be permitted:

- (a) a medical office (chiropractic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) an unlighted name plate having an area of not more than 0.2 m² attached to and, as nearly as practicable, flush with the wall of the dwelling;
 - 2) Section 18A(14) of Zoning By-law No. 6593 shall not apply;
 - 3) Section 18A(26) of Zoning By-law No. 6593 shall not apply;
 - 4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access; and,
 - 5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the westerly and northerly lot lines;
- (ii) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- 1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a medical office (naturopathic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) an unlighted name plate having an area of not more than 0.2 m² attached to and, as nearly as practicable, flush with the wall of the dwelling;
 - 2) Section 18A(14) of Zoning By-law No. 6593 shall not apply;
 - 3) Section 18A(26) of Zoning By-law No. 6593 shall not apply;
 - 4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access; and,

- 5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the easterly and northerly lot lines;
 - (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Section S- , and that the subject lands on Zoning District Map E-95 be notated S- ;
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-95 for presentation to City Council; and,
 - (v) That the proposed change and modifications in zoning will be in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton-Wentworth.
- (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding the subject lands to Schedule 'A'.
 - (d) That Planning Department staff be directed to undertake a Neighbourhood Plan review for the areas designated "Low Density Apartments" on the east and west side of Woodman Avenue North on the north side of Queenston Road (537 to 505 Queenston Road).

EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "B-1" (Suburban Agricultural and Residential, etc.) District regulations, for land located 535 and 537 Queenston Road (Blocks "1" and "2" respectively), as shown on the attached map.

The effect of the by-law is to permit:

Block "1"

- a chiropractor office only on the ground floor of the existing building to a maximum gross floor area of 65 m². In addition, the by-law provides for the following variances as special requirements:
 - permits an unlighted name plate having an area of not more than 0.2 m² attached to and, as nearly as practicable, flush with the wall of the building;
 - permits parking in the required front yard;
 - exempts the requirement that an access driveway be located a minimum of 3.0 m from a residential district;
 - requires a landscape planting strip of not less than 3.0 m in width to be provided and

maintained along the southerly lot line, except for any area used for vehicular access; and

- require a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the westerly and northerly lot lines.

Block "2"

- a naturopathic office only on the ground floor of the existing building with a maximum gross floor area of 65 m²;

In addition, the by-law provides for the following variances as special requirements:

- permits an unlighted name plate having an area of not more than 0.2 m² attached to and, as nearly as practicable, flush with the wall of the building;
- permits parking in the required front yard;
- exempts the requirement that an access driveway be located a minimum of 3.0 m from a residential district;
- requires a landscape planting strip of not less than 3.0 m in width to be provided and maintained along the southerly lot line, except for any area used for vehicular access; and
- require a visual barrier of not less than 1.2 m in height and not greater than 2.0 m in height to be provided and maintained along the easterly and northerly lot line.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicants propose to use the existing single family dwellings at 535 (Block "1") and 537 (Block "2") Queenston Road for a chiropractor office (Block "1") and a naturopathic office (Block "2") respectively. No external changes to the buildings are proposed. Parking will be provided on-site in accordance with By-law requirements.

APPLICANT:

Marco Ramelli and Makush Patel, owners.

LOT SIZE AND AREA:

The subject lands have:

Block "1"

- . a frontage of 15.15 m (50 feet) on Queenston Road;
- . a depth of 45.45 m (150 feet); and,
- . a lot area of 688.5 m² (7,411 square feet).

Block "2"

- . a frontage of 15.15 m (50 feet) on Queenston Road;
- . a depth of 45.45 m (150 feet); and,
- . a lot area of 688.5 m² (7,411 square feet).

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Single family dwellings	"B-1" (Suburban Agricultural and Residential, etc.) District
<u>Surrounding Lands</u>		
to the north	Townhouses	"DE" (Low Density Multiple Dwellings) District, modified
to the east and south	Apartment buildings	"E-2" (Multiple Dwellings) District
to the west	Medical office in existing dwelling	"B-1" (Suburban

OFFICIAL PLAN:

The subject lands are designated "Residential" on Schedule 'A' - Land Use Concept of the Official Plan. The following policies, amongst others apply:

- "A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as RESIDENTIAL will be for dwellings. Various types of dwellings are included within this designation, while preference will be given to the locating of similar densities of development together.
- A.2.1.5 Notwithstanding the above, a medical practitioner's office may be permitted without the necessity of an amendment to this Plan subject to the satisfaction of Council that the proposed office:
- i) Is situated on a major road;
 - ii) Is appropriately located with respect to adjacent RESIDENTIAL USES;
 - iii) Will provide an acceptable amount of on-site parking; and,
 - iv) Will otherwise not detract from the character of the RESIDENTIAL area.
- A.2.2.25 The LOCAL COMMERCIAL category applies to groups of, or individual commercial establishments and local business and professional offices serving the daily retail needs of surrounding residents, and primarily dependent upon pedestrian access."

The proposal for the naturopathic office (Block "2") conflicts with the Official Plan in that it is not considered a medical practitioner's office in accordance with policy A.2.1.5. Approval of this application will require an amendment to the Official Plan to establish a new Special Policy Area to permit a naturopathic office on Block "2".

NEIGHBOURHOOD PLAN:

The subject lands are designated "Low Density Apartments" in the approved Kentley Neighbourhood Plan. The proposed does not conflict with the intent of the Neighbourhood Plan.

It is noted that there is an existing chiropractic office at 505 Queenston Road and a doctor's office at 531 Queenston Road (west of Block "1") in an area also designated "Low Density Apartments". Approval of the subject application would add two more uses of a similar nature

between 505 and 537 Queenston Road. Given the increase of such uses in this area, it may be appropriate to review the Neighbourhood Plan for the area designated "Low Density Apartments" on the east and west side of Woodman Avenue North along Queenston Road (505 to 537 Queenston Road).

COMMENTS RECEIVED:

- . The Hamilton Region Conservation Authority and the Department of Public Works and Traffic have no objection.
- . The Building Department advises:
 - "1. The use of a chiropractic office and naturopathic office are considered medical offices.
 2. Our records indicate that both of the buildings are 1-1/2 storeys. No floor plans have been submitted to show the use of all floor area of the buildings.
 3. The access driveways must be 3.0 m from the common boundary with the residential district to the east and west.
 4. A 1.5 m wide planting strip and a visual barrier shall be provided along the east and west lot lines between the residential district and the parking spaces and manoeuvring space."
- . The Region Environment Department (Development Engineering Section) advises:

"There are public watermains and separate storm and sanitary sewers available to service the subject lands.

The following comments were received from the Regional Transportation Department, Roads Division.

- (1) The designated road allowance width of Queenston Road is 36.58m. In accordance with this designation, Part 9 and 10 on Reference Plan 62R-133 have been identified as lands required for road widening purposes adjacent to Nos. 535 and 537 Queenston Road.

As we consider this application to be a redevelopment of the subject lands, we recommend that as a condition of site plan/development approval that Parts 9 and 10 on Reference Plan 62R-133 be dedicated to the Region for road widening purposes. A copy of a portion of the plan, showing the required road widening is attached for your reference.

According to the plans submitted, the applicant intends to park in the area required for road widening purposes. We recommend that the site plan be revised and that the parking and any associated required landscaping be relocated to private property outside of the area to be dedicated for road widening purposes.

In order to maintain the required parking under the By-law, the applicant may be required to provide rear yard parking and further comments on access to the rear yards and the parking should be obtained from the Traffic Division of the Department of Public Works and Traffic.

We have reviewed this application on the basis that these lands will be developed through site plan control. Further comments on access, grading, etc. will be submitted at that time.

- (2) In the absence of any other details shown we advise that any works which may occur within the Queenston Road road allowance, as widened, must conform to the Region of Hamilton-Wentworth Roads Use By-law."

COMMENTS:

1. The proposal for the naturopathic clinic (Block "2") conflicts with the Official Plan. Approval of the application will require an amendment to the Official Plan to establish a new Special Policy Area to permit a naturopathic office within a Residential designation.
2. The proposal does not conflict with the intent of the approved Kentley Neighbourhood Plan.
3. The application was made on the basis of a rezoning from "B-1" (Suburban Agricultural and Residential, etc.) District to "H" (Community Shopping and Commercial, etc.) District, modified to permit the proposed uses within the existing buildings. In evaluating the merits of the application, it was determined that it is more appropriate to modify the existing "B-1" District provisions to provide for the proposed uses. This is in keeping with the Residential designations in both the Official Plan and the approved Neighbourhood Plan. On this basis, the application is amended to provide for modifications in the existing "B-1" District regulations for Blocks "1" and "2".
4. The proposal has merit and can be supported on the following basis:
 - . the chiropractic office is consistent with Policy A.2.1.5 of the Official Plan with respect to locating medical offices on lands designated "Residential". The naturopathic office while not considered a medical office for the purposes of the Official Plan, is a similar use to the chiropractic office, and will have similar

impacts on the adjacent residential uses;

- it is suitably located on the periphery of the Kentley Neighbourhood on a busy arterial road (Queenston Road) with access to bus routes and a future interchange with the Red Hill Creek Expressway; and,
 - it is compatible with adjacent land uses including a medical office adjacent to Block "1" to the west (531 Queenston Road) and a chiropractic office at 505 Queenston Road.
5. The Regional Environment Department advises that a 15 foot (4.5 m) road widening dedication is required along Queenston Road. In addition, the by-law will include a variance to require a minimum 3.0 m wide planting strip (except for vehicular access) along the Queenston Road frontage to maintain the residential character of this area. Both these requirements will reduce the availability of land for parking in the front yard and necessitate at least a portion of the parking in the rear yard. The Public Works and Traffic Department have verbally indicated that rear yard parking can be supported. Details with respect to parking layout, access, landscaping, grading, drainage, etc. can be further detailed through the site plan control process.
 6. Both the applicants have advised they will only be using the ground floor of the existing building for their respective offices. Based on a ground floor area of 65 m² for each building and the parking requirements for medical offices (1 space per 19 m²), a minimum of four (4) parking spaces are required for each of Block "1" and Block "2".
 7. A visual barrier of not less than 1.2 m in height and not more than 2.0 m in height is normally required for parking areas of more than five (5) parking spaces adjacent to a residential district. While not required for the four (4) spaces proposed, it is appropriate to screen the parking and access areas along the westerly lot line for Block "1" and the easterly lot line for Block "2". In addition, since some or all the required parking may be located in the rear yard, it is also appropriate to require a visual barrier along the northerly lot lines of Blocks "1" and "2".
 8. Section 18A(14) permits front yard parking for single family dwellings erected prior to December, 1971, under specific regulations. Since these regulations were designed for residential uses and the proposed uses in this application are for offices with no residential uses, it is appropriate to delete these lands from the requirements of this Section of the By-law.
 9. Section 18A(26) of the By-law requires that an access driveway to a non-residential use be located not less than 3.0 m from the common boundary with the residential district. The existing driveways on both Blocks "1" and "2" are located adjacent to the residential districts to the west and east respectively. Further, there is an existing medical office located on lands immediately west of Block "1" (531 Queenston Road). There is an

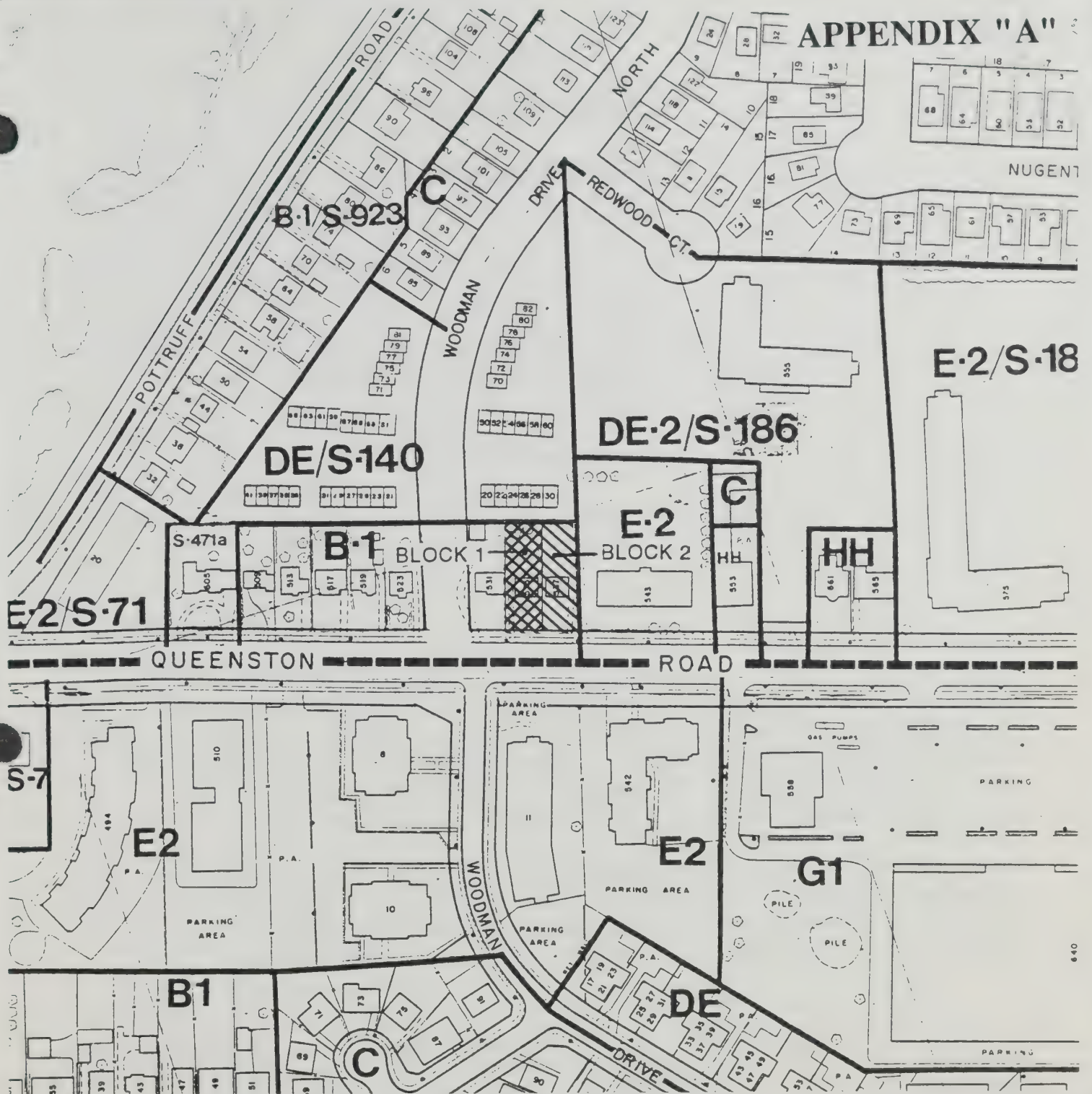
existing nine (9) storey building located immediately east of Block "2" (543 Queenston Road). On this basis, it is appropriate to delete this requirement from this proposal.

10. There is an existing chiropractic office at 505 Queenston Road and a doctor's office at 531 Queenston Road (west of Block "1") in an area also designated "Low Density Apartments". Approval of the subject application would add two more uses of a similar nature between 505 and 537 Queenston Road. On this basis, there is a need to undertake a Neighbourhood Plan review for the area designated "Low Density Apartments" on the east and west side of Woodman Avenue North along Queenston Road (505 to 537 Queenston Road).
11. The subject lands are not subject to Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233. Based on the comments from the Regional Environment Department, it is appropriate to place the subject lands under Site Plan Control so that matters relating to parking layout, access, landscaping, grading, etc. can be reviewed.

CONCLUSION:

Based on the foregoing, the application can be supported.

APPENDIX "A"



Legend

BLOCK 1



Modification to the "B-1" (Suburban Agricultural and Residential etc.) District

BLOCK 2



Modification to the "B-1" (Suburban Agricultural and Residential etc.) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
AUG 1998

Reference File number
ZAC 98-13

Drawn By
D.L.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 September 16
(CI 98-D)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

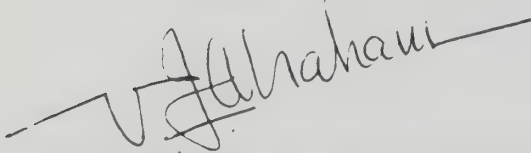
FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Modifications in Zoning - West side (bay side) of Beach
Boulevard

RECOMMENDATIONS:

- A) That approval be given to City Initiative 98-D, for modifications to Zoning By-law No. 6593 for the properties on the west side (bay side) of Beach Boulevard, in the Beach neighbourhood, to regulate the floor elevations of new buildings and additions in the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as shown on the attached map marked as APPENDICES "A", "B" and "C", on the following basis:
- i) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Sections 9, 13 and 14, respectively of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
- a) that in addition to the provisions of the Zoning By-law, the minimum ground floor elevation of any building, except for accessory structures or addition to buildings less than 14 m² in area, shall be 76.0 m above mean sea level, as defined by the Geodetic Survey Datum;
 - b) no basement or cellar shall be permitted for any building, except for accessory structures and any additions less than 14 m² in area;
 - c) that any addition, less than 14 m² in area, shall have a minimum floor elevation at or above the existing floor elevation of the building.

- ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-, and that the subject lands on Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f be notated S-;
 - iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f, for presentation to City Council;
 - iv) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.
- B) A lot grading agreement that conforms to the City of Hamilton requirements and approved by the Building Commissioner shall be entered into prior to the issuance of a building permit for all lots on the west side of Beach Boulevard.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

The west (bay side) of Beach Boulevard exhibits unique hydrological characteristics. When Lake Ontario rises above 75.2 m mean sea level there is a corresponding rise in the ground water table. This rise in the ground water level may cause flooding to the streets and private properties. This problem is especially acute at the southern end of the street, where the elevation of the land and the outflow of the culvert system are similar (see APPENDIX "D").

Dillon Consulting Engineers and Planners undertook a study to identify the hydraulic and flood damage calculations for the Beach Strip area.

"This (study) included determining the expected exposure to flooding from three different sources. The first was directly from Lake Ontario through lake levels, wind set-up and wave run-up. The second considered overland drainage including backflow via storm sewer outfalls and the third dealt with high groundwater levels. The frequency of flooding which could be expected was also taken into account. A damage calculation was then prepared using the Canada/Ontario Flood Damage Reduction Program Report on Flood Damage Curves published in 1985. Following is an outline of the findings:

- *plotting of the computed flood levels on contour maps did not identify any houses along the shoreline which could be affected by waves.*

- *overland flooding could be expected to impact on 3 houses with a 20 year flood frequency; 56 houses with a 50 year flood frequency and 93 houses with a 100 year frequency.*
- *groundwater flooding could be expected to impact on 154 houses with a 2 year frequency and up to 297 houses with a 100 year frequency.*
- *the average annual total damages were calculated by considering each type of house and then using the Government publication identified above.*
- *the theoretical annual total damages was found to range between \$62,000 and \$350,000. In practice, it was felt that the higher figure would never be reached because of the extensive basement pumping practiced by homeowners.*
- *an additional damage calculation was undertaken only for the overland flooding component, assuming that groundwater seepages are pumped out from all basements. This set of calculations gave an annual total damage of only \$3,100."*

LAND USES IN AREA

The Beach Neighbourhood has a mixture of residential, institutional, commercial and open space uses. The majority of the existing and future uses on the south side of Beach Boulevard is for residential uses, predominantly single-family dwellings with small areas for future townhouses and low rise apartments. There are also small pockets of commercial uses fronting on Beach Boulevard.

SALE OF CITY PROPERTIES

As the Committee may be aware, the City is acquiring 159 properties in the Beach Strip area from the Hamilton Region Conservation Authority in order to implement the Hamilton Beach Neighbourhood Plan. Of these 159 properties, 105 are located south of Beach Boulevard. Also forming part of this acquisition from the HRCA is the addition of the 42 properties (totalling 9.6 acs.) currently owned by the Ministry of transportation that will be transferred to the City at no cost. All these properties are located south of beach Boulevard.

Presently, a disposal report is being prepared for Council, which will outline alternatives for marketing and sale of the above noted lands. This report will include a requirement that lands sold south of Beach Boulevard, which are susceptible to flooding, will be subject to the proposed zoning modifications.

OFFICIAL PLAN:

The lands are designated for a variety of land uses on Schedule "A" - Land Use Concept and identified as Special Policy Area 10 on Schedule "B" - Special Policy Areas.

The zoning modifications do not conflict with the intent of the land uses designations; however, they meet the intent of SPA 10 which states:

"..Council will ensure that appropriate shoreline protection measures as may be prescribed by the Ministries of Natural resources and Environment and Energy will be taken to mitigate flooding, erosion and pollution."

NEIGHBOURHOOD PLAN:

During the preparation of the Neighbourhood Plan, the issue of flooding was identified. Accordingly. Under Section 1.2.4 General Housing Policies, the following policy was included:

"New residential dwellings will be located and built in a manner to ensure adequate protection from the high water table and occasional flooding in this area. This will be done by means of the creation of the open space buffer one the Bay (west) side of the beach and attention to building design."

In this regard, the zoning modification implements the policy of the approved beach Neighbourhood Plan.

ZONING BY-LAW RESTRICTIONS IN OTHER MUNICIPALITIES:

Other municipalities that have development in areas prone to flooding use a number of different mechanisms to protect properties. These measures include:

- requiring setbacks from the flood prone areas;
- requiring construction of shoreline protection measures such as retaining walls; and,
- requiring a minimum building elevation above the flood levels.

The Town of Delhi requires a minimum building elevation for principal buildings but exempts accessory buildings, additions to the principal building less than 14 m², garages, boat houses, buildings for boat maintenance, etc.

LOT GRADING

Construction of new structures on the lots to be sold may lead to changes in the grading of the property in order to meet the minimum ground floor elevation of 76.0m. To prevent water accumulation and/or adverse drainage effects on adjacent properties from this re-grading, the developer/owner will be required to provide a lot grading plan and to enter into a Lot Grading Agreement with the Building Department prior to issuance of a building permit. This is the current practice for undeveloped lots that are sold by the City and is one of the conditions in the Offer to Purchase. In addition, there are other lots that are held by private owners. In this regard, before the building permit is issued, all these lots should also be required to enter into a lot grading agreement with the City.

However, prior to the completion of individual grading plans, the City will have to undertake a master drainage plan. The objective of the plan is to identify the drainage patterns in the beach area, the existing and potential problems of flooding and identify solutions for these problems. The details of the drainage plan and its funding source will be further examined once the land disposal strategy for the Beach strip is presented to the Finance and Administration Committee.

COMMENTS:

- 1) To reduce the potential impact of flooding in this area, the preferred building construction technique is to prohibit basements/cellars and provide minimum ground floor elevations. Since the zoning by-law is not retroactive, these amendments would only apply to new habitable buildings and additions to existing buildings that are greater than 14 m².

To make the zoning by-law restrictions less onerous on existing homeowners, it is suggested that small additions (14 m² or less) be permitted to existing buildings. However, the floor elevations of these additions should not be less than the existing elevations. This would ensure the building is no more flood susceptible than the existing situation.

- 2) It should be noted there are engineering methods that can be used to waterproof a basement. These methods may be considered as an alternative by the Building Department to construction with no basement. However, this alternative construction technique would have to be analyzed on an individual basis and if appropriate, an application to the Committee of Adjustment would be required.
- 3) As a result of the minimum floor elevation, there may be lots that will be required to be filled. To ensure that water runoff is contained on the site and does not impact abutting properties, each of these lots (both city owned and privately owned) will be required to enter into a lot grading agreement with the City prior to the issuance of a building permit. In addition, the City has to undertake master drainage plan to ensure the lot grading plans do not affect the existing and future drainage patterns. Additional details for this plan will be included as part of the land disposal strategy.

- 4) The Department is preparing design guidelines for new houses on the Beach strip that will be presented to the Committee in the near future. These guidelines will be compatible with the zoning modifications.
- 5) The proposed modifications implement both the Official Plan and Hamilton Beach Neighbourhood Plan.
- 6) This report was prepared in conjunction with the Hamilton Region Conservation Authority, the Public Works and Traffic Department, Parks Division, the Building Department, and the Real Estate Division of the City Clerks Department.

CONCLUSION:

Based on the above, it is appropriate to amend the zoning-bylaw to include these modifications.

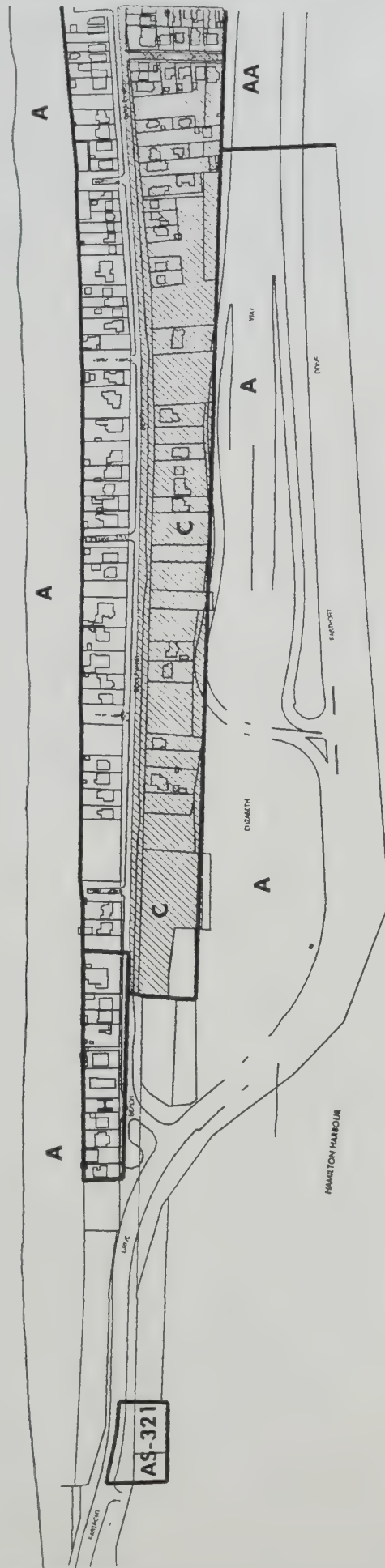
JHE

cc. Len King
Building Commissioner

Mike Watson
Real Estate Division
City Clerk's Department

Bob Chrystian
Parks Division
Public Works and Traffic Department

Planning and Development Department



Legend

Lands subject to zoning by-law modification

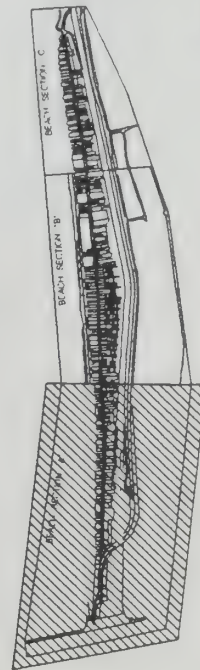
Scale NOT TO SCALE	Reference File No. CI98-D
-----------------------	------------------------------

Date
JULY 1998

North

APPENDIX "A"

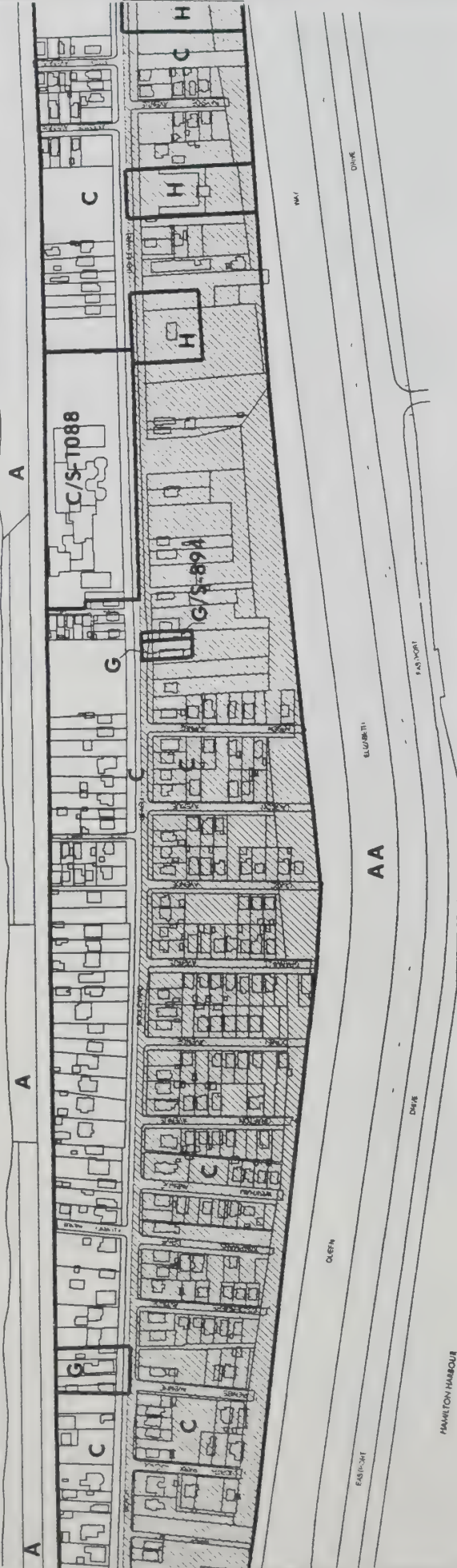
Key Map



City of Hamilton Key Map

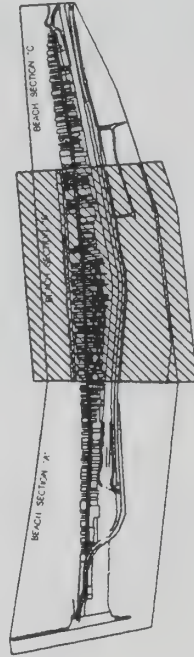
Planning and Development Department

LAKE ONTARIO



APPENDIX "B"

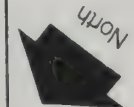
Key Map



Legend



Lands subject to zoning by-law modification



Scale
NOT TO SCALE

Reference File No.
C198-D

Date
JULY 1998

Drawn By
J.SIMS

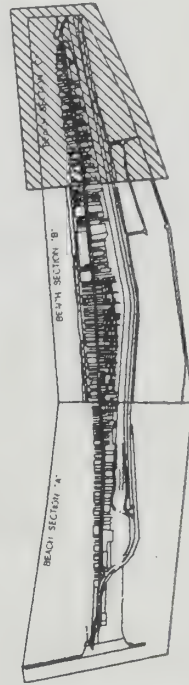
City of Hamilton Key Map

Planning and Development Department



APPENDIX "C"

Key Map



Legend



Lands subject to zoning by-law modification



Scale

NOT TO SCALE

Reference File No.

C198-D

Date

JULY 1998

Drawn By

J.SIMS

CITY OF HAMILTON

APPENDIX "D"

- INFORMATION -

DATE: 1998 March 31

REPORT TO: K. Christenson
Secretary, Transport and Environment Committee

FROM: D. Lobo
Commissioner of Public Works & Traffic

SUBJECT: Periodic Flooding of Beach Strip Roads Abutting the
QEW

BACKGROUND:

A number of southerly streets in the Hamilton Beach area that terminate at the QEW right-of-way experience periodic flooding. The streets involved include, but are not limited to Comet, Granville, Grafton, Windemere and Wickham.

Flooding generally occurs when Lake Ontario water levels exceed 75.20m. Once this level has been reached, the corresponding rise in the ground water table may flood streets and private properties. The drainage system for these streets is a culvert system which starts on the MTO right-of-way, passes under the QEW, sometimes linking with highway catch basins, and ultimately discharging into an open channel between Eastport Drive and the QEW.

There is very little difference in elevation between the flooding street ends and the outflows of system culverts. Once the lake levels rise to the point that the street ends flood, the culvert outflows may also be under water and thereby provide no drainage relief.

During periods of very high lake levels stagnant water may partially cover area roads and thereby require pumping for short term relief.

There is no other useful storm water drainage system on the beach due to its low elevation. Accordingly, surface water pumping has been required "around the clock" in prior years for periods of several weeks at a time. Numerous residences operate sump pumps during high lake level periods to control basement flooding. While the discharge of such pumps onto the road allowance contravenes the Streets By-law, provisions of the by-law have not been enforced.

Recent above average precipitation for the Great Lakes Basin has caused an increase in the level of Lake Ontario. If the wet spring continues, the annual peak level of the lake which is usually achieved in May, could exceed normal average levels and lead to increased flooding.

E

To maximize the operation of the drainage system under the QEW, staff from this Department have worked together with the MTO to undertake the following tasks:

Public Works

- measure invert and outflow elevations for problem areas in the culvert system;
- clean all inlets free of debris and interruptions;
- clean all southerly street ends terminating at the QEW right-of-way for obstructions to water flow;
- install "locked" access gate through MTO fencing to facilitate inlet structure cleaning;
- install drainage swale on MTO lands off of Wickham;
- dye test for flow rate through MTO culverts;
- clean out first stage of culvert from end of Granville to MTO catch basin between noise berm and travelled lanes of QEW; and
- pump surface water off of flooded streets.

MTO

- clean all catch basins on QEW from Highway 20 to Skyway Bridge;
- inspect outflows of culverts; and
- with Public Works clean culvert under QEW from outflow point back to Granville.

The above efforts have been particularly oriented to Granville Avenue as there have been periods of flooding on this street beyond that caused by high lake levels. These instances indicate that there may have been a blockage of this culvert. This culvert, within its elevation constraints, is presently clean and operational.

Current lake levels have reached approximately 75.20m and surface water pumping is ongoing as required following periods of snow melt and rainfall.

L. England for

D. Lobo

CFE/rb

c.c. Alderman F. Eisenberger

c.c. R. Sabo, Law Department

5.

CITY OF HAMILTON
- RECOMMENDATION -

SEP 14 1998

DATE: 1998 September 14
(CI 96-G)

REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Removal of Charity Gaming Clubs (Charity Casinos) and
associated uses as Permitted Uses in the Zoning By-law

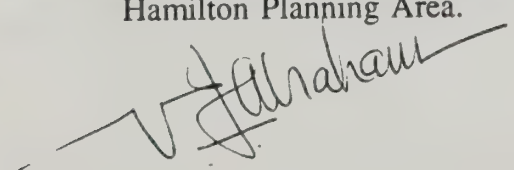
RECOMMENDATIONS:

That approval be given to **City Initiative 96-G** to remove charity gaming clubs (charity casinos) and associated definitions as permitted uses in the Zoning By-law as follows:

- i) That By-Law No. 97-73 be deleted its entirety;
- ii) That Section 4 - Prohibited Uses of Zoning by-law No. 6593 be amended by adding a new clause as follows:

"(7) The use of a Charity Casino (Charity Gaming Club) which means any premises or parts thereof, containing table games and/or video lottery terminal and/or slot machines or any other such game or device approved by the Alcohol and Gaming Commission of Ontario is hereby prohibited."

- iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- iv) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

see below

BACKGROUND:

- Direction from City Council

City Council, at its meeting of July 7, 1998, directed staff of the Planning and Development Department

"to undertake a City Initiative to remove charity gaming casinos as a permitted use in the Zoning By-law."

- Zoning By-law 97-73

The Planning and Development Committee, at its meeting of May 22, 1996, on the request of the Finance and Administration Committee, directed the Planning and Development Department to review the zoning requirements for future gambling locations within the City of Hamilton.

In April 1997, Planning and Development Department staff presented a report to the Committee; the purpose of the report was to **restrict** the location of the charity gaming clubs to the downtown area only. Under the existing Zoning By-law regulations, a charity gaming club and VLT's were considered as "places of amusement". As such, they could be located in the following zoning districts:

- "G-2" (Regional Shopping Centres) District;
- "HH" (Restricted Community Shopping and Commercial, etc.) District;
- "I" (Central Business) District;
- "J" (Restricted Light Industrial) District; and,
- "K" (Heavy Industrial) District.

Similarly, slot machines will also be considered as "places of amusement".

City Council, at its meeting of May 6, 1997, passed By-law No. 97-73. The purpose of the by-law was to provide for a general text amendment to Zoning By-law No. 6593 :

- 1) to define the terms "charity gaming clubs", "table games" and "video lottery terminals";
- 2) to permit a "video lottery terminal" only in conjunction with "charity gaming club"; and,

3) to permit the above uses within the following zoning districts:

- "I" (Central Business) District;
- "CR-3" (Commercial-Residential) District
- "H" (Community Shopping and Commercial, etc.) District;
- "HI" (Civic Centre Protected) District; and,
- "J" (Light and Limited Heavy Industrial) District.

that are within the downtown district **only**.

- City Wide Referendum

In the November municipal election, the following question was put on the ballot:

"Do you agree to a provincially run casino in the City of Hamilton?"

Of the ballots cast, 63.03% voted NO and 36.97% voted YES.

- Provincial Initiatives

On April 9, 1998, the Province cancelled plans to allow VLT's in charity casinos and replaced them with slot machines. Accordingly, the Provincial legislation will be amended some time in the future to delete the term "video lottery terminal" and replace it with "slot machines". In addition, the term "charity gaming clubs" has been renamed to "charity casinos". The Province has not indicated the time frame for these amendments. **it would be prudent to include a reference to VLT's and Charity gaming clubs in this by-law amendment in the event the Province does not change the legislation.**

On June 26, 1998, the Province cancelled the charity casino initiative. Instead, the Province will be operating four pilot projects in communities that had a positive referendum ballot. As a result, Hamilton will not be receiving charity casinos.

COMMENTS:

In 1997, staff of the Planning and Development Department supported the original city initiative to define charity gaming clubs and associated definitions as permitted uses in the downtown area only. By-law No. 97-73 to modify the Zoning By-law was passed accordingly.

In this regard, if City Council adopts an amending By-law and the By-law is appealed to the Ontario Municipal Board, the City, if it wishes to have planning assistance at the hearing may want to seek an independent planning consultant. A source of funding for such a consultant will have to be identified.

Planning and Development Committee and City Council may in fact wish to seek advice from an independent planning consultant before making a decision on this matter.

CONCLUSION:

Based on City Council's direction, a by-law should be prepared to repeal By-law No. 97-73; introduce new definitions of charity casinos and to prohibit these uses within the City of Hamilton.

JHE

c:\ci96grep.rpt

6.

CORPORATION OF THE CITY OF HAMILTON

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

YOUR FILE:

FROM: Mr. J. J. Schatz
City Clerk
City Clerk's Department

OUR FILE:

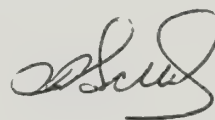
PHONE: 546-2727

SUBJECT: 342 Dundurn Street South
Demolition Permit

DATE: 1998 September 9

Council at its meeting of 1998 September 8 referred back Section 53 of the Committee of the Whole report as follows:

53. That the Building Commissioner be authorized to issue a demolition permit for 342 Dundurn Street South in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act, as amended.



LA

cc. L. King, Building Commissioner

CITY OF HAMILTON
- RECOMMENDATION -

AUG 20 1998

DATE: 1998 August 18

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
342 DUNDURN STREET SOUTH - Tag Number 98-106850
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 342 Dundurn Street South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: H

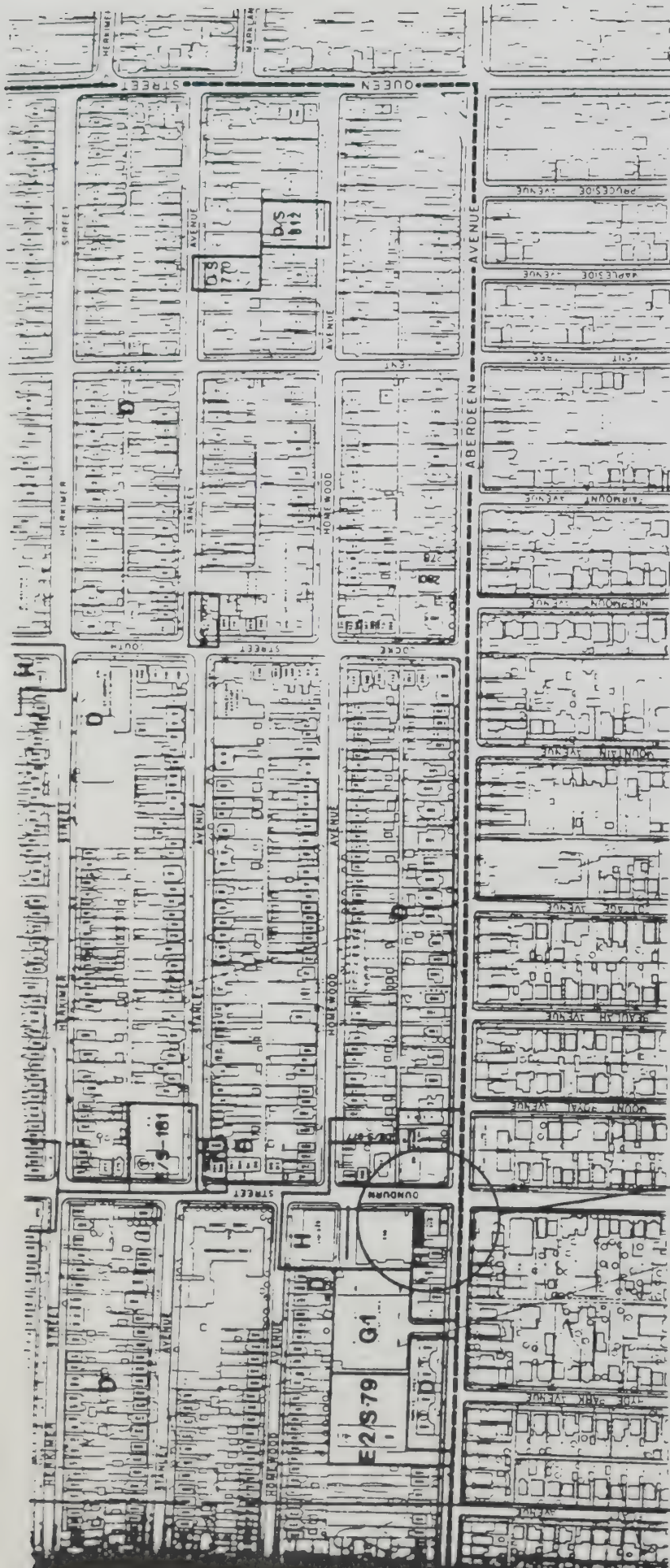
PRESENT USE: Commercial and 1 Dwelling Unit

PROPOSED USE: Vacant

BRIEF DESCRIPTION: The owner proposes to demolish the 2-storey building which contains commercial on the first floor with one residential dwelling unit on the second floor. The proposal is to merge the lands with the property known as 330 Dundurn Street South. A Site Plan application DA-98-24 has been submitted to the Planning and Development Department and is currently under review. This property is located in the "Kirkendall" neighbourhood (please see attached neighbourhood map) and is located in Ward 1. No LACAC interest. Lot size 6.4m x 28.65m.

The owner of the property and applicant as per the demolition permit is:

1242324 Ontario Inc., 336 Shaver Road, R.R. #1 Jerseyville, Ontario, L0R 1R0
FP/zr



SUBJECT PROPERTY
342 DUNDURH ST. SOUTH.

342 DUNDURH ST. SOUTH.

CITY OF HAMILTON

KIRKENDALL NORTH

ZONING

This is not a Legal Document
For Zoning Verification Please
Contact City Building Department

Neighborhood Boundary
Zoning Boundary

Prepared for The City of Hamilton
by the Planning and Development Department

6803
UNIT NO
BY APPROVED

92

CON ALVA




13

7a

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 September 9 SEP 11 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L. C. King, P. Eng.
Building Commissioner 

SUBJECT: Property Standards By-Law 94-185
(98.2.4.2.1A & 98.4.9)

RECOMMENDATION:

- a) That the attached By-Law be enacted to replace Property Standards By-Law 94-185.
- b) That By-Law 94-185 passed on 1994 November 8 in accordance with the Planning Act, R.S.O. 1990, Chapter P. 13, and its amendments be repealed.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

Due to a change in the statutory authority for the Property Standards By-Law, the following financial savings will be achieved.

1. Cost savings due to reduction in the number of title searches required.
2. Cost savings due to reduced number of documents and therefore fewer mailings required.
3. With the change to the Building Code Act, 1992, time frames for compliance have been shortened and the amount of fines have been raised significantly.

BACKGROUND:

On 1998 June 24, the Tenant Protection Act 1997 came into force which amends the Ontario Building Code Act 1992 to include provisions for Standards for Maintenance and Occupancy.

This changed the enabling legislation for Property Standards By-Laws from The Planning Act to the Building Code Act, 1992.

Major revisions included in the new by-law are as follows:

1. The legal Notice, which was mandatory under the Planning Act, is no longer required. This will reduce the time frames for enforcement.
2. A title search, mandatory under the Planning Act prior to the issuance of Notices or Orders, is no longer mandatory. The Department will therefore save time and revenue for each address where enforcement is commenced.
3. An Order may now contain requirements for the owner to provide tests and samples as specified.
4. Section 27 of the Building Code Act, 1992, will govern how all orders are served, thereby deeming service, to have been made 5 days after mailing if sent by registered mail.
5. The Planning Act required that the Order be served by registered mail to all persons shown as having an interest in the property. The new legislation states it shall be served on the owner and anyone that may be affected, as determined by the officer. At the present time, copies are sent by registered mail to each person having a financial interest in the property. It will now be the Property Standards Officer's decision who is served with an Order. This will save registered mail costs.
6. The municipality still has the power to repair or demolish a property where an owner has failed to comply with an Order. All costs incurred will be deemed to be, and collected as, municipal real property taxes. The previous legislation only permitted the expenses incurred to be collected in a like manner as taxes.
7. The maximum fines currently contained in the Building Code Act, 1992 will now apply to property standards orders with a significant increase from the Planning Act. The fines against an individual have been increased from \$2,000 for a first offence to not more than \$25,000 and from \$10,000 for any subsequent offence to not more than \$50,000. The fines for a corporation have also been increased from \$10,000 for a first offence to not more than \$50,000 and from \$50,000 for any subsequent offence to not more than \$100,000. These increases in fines should act as a strong deterrent to owners who ignore the requirements of the by-law.
8. Any reference in the By-Law to the Planning Act or to a "Notice" has been changed.
9. In Section 19 of the By-Law a definition of "guard" was added in accordance with the requirements of The Ontario Building Code.

10. Property Standards By-Law 94-185 authorized the Building Department to carry out work pursuant to said By-Law, where the cost of doing the work did not exceed \$5,000. At the present time a separate by-law has to be passed authorizing the Building Department to effect the demolition or repairs if costs exceed \$5,000. It is recommended that this amount be changed to \$20,000. The \$5,000 amount was established several years ago. Since then, numerous increases have occurred in both the cost of construction and demolition, hence the increase. It is expected that with this change, most repairs and demolitions may be carried out in a more expeditious manner.
11. The attached by-law replaces the previous Property Standards By-Law 94-185.

LCK/DI/sb
Attach

c.c.: P. Noé Johnson, City Solicitor

THE CORPORATION OF THE CITY OF HAMILTON

BY-LAW NO. 98-

To consolidate the Property Standards By-Law

Where Section 31 of the Planning Act R.S.O. 1990, Chapter P.13 contained the jurisdiction for Municipalities to enact Property Standards By-Laws,

And Whereas pursuant to the provisions of the Planning Act, the City did adopt an Official Plan subsection C.5 on Property Maintenance and Municipal Housekeeping which includes provisions relating to property conditions..

And Whereas By-Law No. 94-185 was enacted pursuant to Section 31, of the Planning Act,

And Whereas the Tenant Protection Act S.O. 1997, Chapter 24, repealed Section 31 of the Planning Act and transferred the Property Standard By-Law authority to the Building Code Act, 1992.

And Whereas it is desirable to consolidate By-Law No. 94-185.

NOW THEREFORE, the Council of the Corporation of the City of Hamilton enacts as follows:

SHORT TITLE

1. This by-law may be cited as The Property Standards By-law.

INTERPRETATION

2. In this by-law.

- (a) "accessory building" means a building or structure the use of which is incidental to the use of a property and which is located in the yards located on the same lot as a building.
- (b) "approved" means approved by the Property Standards Officer
- (b) "basement" means any storey below the first storey.
- (d) "building" means any structure used or intended to be used for supporting or sheltering any use or occupancy.
- (e) "building code" includes,
 - (i) The Building Code Act, 1992 and regulations made thereunder.
 - (ii) City of Hamilton By-law No. 93-167 as amended.
- (f) "cellar" means a storey that is more than 50 percent below grade.
- (g) "City" means The Corporation of the City of Hamilton.
- (h) "committee" means The Property Standards Committee established under this By-law.
- (i) "dwelling" means a building or structure, with or without kitchen facilities or a part of such a building or structure, which is, or is intended to be used for the purpose of human habitation, and includes a building that would be or would be intended to be used for such purposes, except for its state of disrepair.

- (j) "dwelling unit" means a suite that is a housekeeping unit, used or intended to be used as a domicile by one or more persons for living, sleeping and preparing food and **must** include a kitchen.
- (k) "first storey" means the uppermost storey having its floor level not more than 2 meters above grade.
- (l) "guard" means a protective barrier around openings in floors or at the open sides of stairs, landings, balconies, mezzanines, galleries, raised walkways or other locations to prevent accidental falls from one level to another. Such barrier may or may not have openings through it.
- (m) "habitable room" means any room in a dwelling or dwelling unit used or intended to be used for living, eating, sleeping, or cooking, and without limiting the foregoing shall include den, library, sunroom or recreational room or any combination thereof.
- (n) "health by-law" means The City of Hamilton Health By-Law, being By-Law No. 4798, a by-law Respecting Conditions which may be or become Injurious to Health, and the regulations made thereunder, and any regulation or by-law prescribed or authorized by the provisions of The Health Protection & Promotion Act, 1990, Chapter H.7, as amended.
- (o) "heating appliance" means a device to convert fuel into energy and includes all components, controls, wiring, and piping required to be part of the device by the applicable standard referred to in the Building Code.
- (p) "inoperative motor vehicle" means a vehicle having missing parts, including tires or damaged or missing glass or deteriorated or removed metal adjunct or part which prevent its normal function.
- (q) "lot" means a parcel of land the boundaries of which are defined in the last registered instrument by which legal or equitable title to the said parcel was lawfully and effectively conveyed.
- (r) "medical officer of health" means The Medical Officer of Health for the Regional Municipality of Hamilton-Wentworth, Department of Health Services.
- (s) "multiple dwelling" means a building containing four or more dwelling units.
- (t) "non-habitable room" means any room or space in a dwelling, or dwelling unit, other than a habitable room and includes a washroom, bathroom, toilet room, laundry, pantry, lobby, communicating corridor, stairway, closet, cellar, boiler room, garage, or space for service and maintenance of any building for public use and for access to and vertical travel between storeys.
- (u) "occupancy" means the use or intended use of a building or part thereof for the shelter or support of persons, animals or property.
- (v) "officer" means a Property Standards Officer who has been assigned the responsibility of administering and enforcing by-laws enacted pursuant to Section 15.1 of the Building Code Act, 1992.
- (w) "owner" includes the person, for the time being, managing or receiving the rent of the land or premises in connection with which the word is used whether on his own account, or as agent or trustee of any other person, or who would receive the rent if the land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

- (x) "property" means a building or structure, or part of a building or structure, and includes the lands and premises appurtenant thereto and all mobile structures, mobile buildings, mobile homes, outbuildings, fence and retaining walls, and erections thereon, whether heretofore or hereafter erected and includes vacant property.
- (y) "protective device" means any mechanical device designed for the purpose of inhibiting movement by latching or automatic engagement or in any other reasonable manner.
- (z) "repair" includes the provision of such facilities and the making of additions or alterations or the taking of such action as may be required so that the property shall conform to the standards established in this by-law.
- (aa) "residential property" means any property that is used or is capable of being used as a dwelling or multiple thereof, and includes any land or buildings that are appurtenant to such establishment including but not necessarily limited to all steps, walks, driveways, parking spaces, fences and yards.
- (bb) "retaining wall" means a structure that holds back soil or other loose material to prevent it assuming the natural angle of repose at locations where an abrupt change in ground elevation occurs.
- (cc) "sanitary sewage" means liquid or water borne waste
 - (i) of industrial or commercial origin, or
 - (ii) of domestic origin, including human body waste, toilet or other bathroom waste, and shower, tub, culinary, sink and laundry waste.
- (dd) "storm sewage" means water that is discharged from a surface as a result of rainfall, snowmelt or snowfall.
- (ee) "sewage system" means the Regional Municipality of Hamilton-Wentworth's system of storm sewers, sanitary sewers and combined sewers, or a private sewage disposal system approved by the Chief Building Official within the City of Hamilton.
- (ff) "standards" means the standards of physical condition and of occupancy prescribed for property by this by-law.
- (gg) "storey" means that portion of a building which is situated between the top of any floor and the top of the floor next above it, and if there is no floor above it, that portion between the top of such floor and the ceiling above it.
- (hh) "suite" means a single room or series of rooms of complementary use, operated under a single tenancy, and includes dwelling units, individual guest rooms in motels, hotels, boarding houses, rooming houses and dormitories as well as individual stores and individual or complementary rooms for business and personal services occupancies.
- (ii) "tenant" means any person or persons over the age of 18 years in possession of the property.
- (jj) "unsafe condition" means any condition that poses a danger to the health or safety of any person on or about the premises.
- (kk) "visual barrier" shall mean a continuous, uninterrupted structure which completely blocks lines of sight when viewed perpendicularly from either of its sides and shall consist of one or more of the following materials: wood, stone, bricks, mortar, fabricated metal or other similarly solid material.
- (ll) "yard" means the land within the boundary lines of the lot and not occupied by the principal building.

SCOPE

- 3(1) No person shall use or occupy, or being the owner thereof or his agent, shall allow to be used or occupied, any property unless such property conforms to the standards prescribed herein, nor shall the owner or his agent permit the accumulation of debris or rubbish on yards, as herein defined, in contravention of the standards prescribed in this By-Law.
- 3(2) No person shall use or permit any one to use any property that does not conform to the standards of this By-Law.
- 3(3) No owner of any property shall fail to maintain such property to conform to the standards of this By-Law.
- 3(4) No person shall remove from a property any sign, notice or placard placed thereon pursuant to section 20 of the Building Code Act, 1992.

VALIDITY

- 4(1) Should any section or part of a section of this By-Law be held to be invalid, the validity of the remainder of the By-Law shall not be affected.

GENERAL STANDARDS FOR ALL PROPERTIES

STRUCTURAL STANDARD

- 5(1) Every part of a property shall be maintained in a structurally sound condition so as to be capable of sustaining safely its own weight and any additional weight that may be put on it through normal use, having a factor of safety as required by the Ontario Building Code.
- 5(2) All exterior surfaces shall be of materials which resist deterioration by the weather or have resistant coatings applied to them.
- 5(3) The exterior walls, chimneys, roofs and other parts of the property shall be free from loose, rotten, warped and broken materials and objects. Such materials and objects shall be removed, repaired or replaced.

FIRE DAMAGED BUILDINGS

Fire damaged buildings shall be kept clear of all garbage, refuse and debris and shall have all water, electrical and gas services turned off except those services that are required for the security and maintenance of the property.

The owner or agent of the fire damaged building shall restore the building to meet the requirements of Sections 5,6,7, and 8 of the said By-Law, and shall board up the building to the satisfaction of the Property Standards Officer by covering all openings through which entry may be obtained with at least 12.7 mm (0.5 inches) weather-proofed sheet plywood, painted a colour compatible with the surrounding walls.

EXTERIOR WALLS AND ROOFS

- 6(1) The exterior walls and their components shall be maintained so as to prevent their deterioration and shall be so maintained, by the painting, restoring or repairing of the walls, coping or flashing or by the waterproofing of joints and of the walls themselves.

- 6(2) Exterior walls, roofs and other parts of a building shall be free from loose and unsecured objects and materials which may create an unsafe condition. Such objects or materials shall be removed, repaired or replaced.
- 6(3) Exteriors of buildings shall be kept weather resistant through the use of caulking and other appropriate weather resistant materials and be maintained to prevent the entry of vermin and birds.
- 6(4) A roof including the fascia board, soffit, cornice and flashing shall be maintained in a condition so as to prevent the leakage of water into the building.
- 6(5) All structural components of a roof shall provide adequate support for all probable loads, and form a suitable base for the roof covering.
- 6(6) Sign faces and their structures shall be maintained without any visible deterioration of the sign or its structure.
- 6(7) Exterior walls of a building or structure and their components shall be maintained free of painted slogans, graffiti or similar defacements.
- 6(8) Exterior walls of a building or structure, and their components shall be maintained free of posters or advertisements which are:
- a) for events which have already occurred or
 - b) which are, or may become, loosened, dislodged, torn or otherwise in a condition which may permit them to detach and become litter.

FOUNDATIONS AND BASEMENTS

- 7(1) The foundation walls and the basement, cellar or crawl space floors shall be maintained in good repair and structurally sound.
- 7(2) Every basement, cellar and crawl space in a property shall be maintained in a reasonably watertight condition so as to prevent the leakage of water into the building.

INTERIOR STRUCTURE & FLOORS

- 8(1) Every building, unless of concrete slab-on-grade design, shall be upon either full foundation walls or piers, and all footings, foundation walls, and piers shall be of concrete, masonry, or other material acceptable to the City under the provisions of the Building Code and shall be sound, reasonably plumb, and adequate to carry the loads imposed on them.
- 8(2) In every building all joists, beams, studding, and roof rafters shall be of sound material and adequate for the load to which they are subjected.
- 8(3) Every cellar shall have a floor of concrete or other material acceptable to the City under the provisions of the Building Code for purposes of water drainage and to guard against the entry of vermin.
- 8(4) Every floor shall be smooth and level and maintained so as to be free of all loose, warped, protruding, broken or rotted boards that may create an unsafe condition. Such defective floor boards shall be repaired or replaced.
- 8(5) Where floors have been covered with linoleum or other covering that has become worn or torn so that it retains dirt or may create an unsafe condition, the sheet flooring or other covering shall be repaired or replaced.

- 8(6) Every bathroom, kitchen, laundry and shower room shall have a floor covering of water-resistant material.
- 8(7) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.

RUBBISH AND DEBRIS

- 9(1) Every property shall be kept free from rubbish, debris or conditions which constitute fire, accident or health hazards.
- 9(2) Every porch, hallway, stairway and common area shall be kept free of garbage, debris, old furniture, appliances, etc.

PLUMBING SYSTEM

- 10(1) The plumbing system in every building shall be maintained in good working order and free from leaks and defects and in compliance with The Ontario Building Code. All water pipes and appurtenances thereto shall be protected from freezing. All plumbing fixtures shall be connected to the sewage system through water seal traps.

KITCHEN FACILITIES

- 11(1) Every Commercial and Industrial building shall contain plumbing fixtures in accordance with the appropriate provincial legislation.
- 11(2) Every kitchen shall contain an area equipped with a sink, served with potable running water, storage facilities, a work area, and space for a stove and refrigerator and all areas shall be maintained in a good state of repair.

HEATING SYSTEMS

- 12(1) Except for spaces exempted by the Building Code, a heating system shall be installed that is capable of supplying during normal hours of occupancy of the building sufficient heat to maintain a temperature of not less than 22 degrees Celsius or 72 degrees Fahrenheit at the outside design temperature specified in the Building Code.
- 12(2) The heating system and every other mechanical system shall be:
- (a) operated and maintained,
 - (i) in good working order; and
 - (ii) free from unsafe conditions; and
 - (iii) in accordance with the requirements of the Building Code; and
 - (b) maintained at all times in good repair.
- 12(3) No heating appliance shall be installed or placed so as to cause a fire hazard nor to impede the free movement of a person within the room where the heating appliance is located. A heating appliance shall not be located in corridors, hallways or other means of egress.
- 12(4) Any heating system or part thereof or any auxiliary heating system that is designed to burn solid or liquid fuel shall be provided with a properly constructed receptacle for fuel storage or a place for storage located so as to be free from fire or accident hazard.

- 12(5) Every chimney, smoke pipe and flue shall be maintained so as to prevent gases from leaking into a building and the maintenance shall include cleaning the flue of obstructions, filling open joints and repairing masonry.
- 12(6) Any heating equipment used in the process of burning fuel shall be properly vented to the outside air by means of an approved smokepipe, vent pipe or chimney.
- 12(7) All gaseous and liquid fuel burning appliances and equipment shall comply with the relevant provincial regulations.

MAINTENANCE OF PROPERTY
YARDS/ PARKING LOTS/ VACANT PROPERTY

- 13(1) Facilities for lighting, including flood lighting required as a condition of site development or redevelopment, shall be maintained in a good state of repair and in accordance with the recommended horizontal illuminance as set out under the I.E.S. Lighting Handbook (1987).
- 13(2) Yards shall be kept clean and free from rubbish or other debris and from objects or conditions that might create a health, fire or accident hazard or an unsafe condition.
- 13(3) Heavy undergrowth and noxious plants, such as ragweed, poison oak, poison ivy and poison sumac, shall be eliminated from the yard.
- 13(4) Every yard, parking lot, and vacant property shall be kept free from:
- (a) metal, wood and rubber objects, barbed and other wire.
 - (b) unused or surplus animal, vegetable or chemical products that are the by-products of any process, or that may be or become contaminated
- 13(5) Storage, salvage, and scrap yards, whether licensed or not, shall be effectively screened from all other property or streets by a visual barrier and materials or matter of any kind stored or located in such yards shall not be piled within 1 metre of such visual barrier, unless such visual barrier is capable of sustaining any horizontal load which may be imposed upon it by the stored materials.
- 13(6) Grass, plantings, and hedges shall be kept trimmed and neat. Every yard and vacant property shall be kept free of noxious plants in accordance with the provisions of the Weed Control Act R.S.O. 1990, Chapter W.5 and amendments thereto and the regulations made thereunder.
- 13(7) Ground cover, hedges, trees, landscaping and site facilities required as a condition of site development or redevelopment shall be maintained in living condition and in a good state of repair.
- 13(8) Trees or parts thereof that have expired shall be removed or maintained in a condition which is not hazardous to persons expected to be on or about the property.
- 13(9) Concrete wheel stops shall be installed where parking spaces are adjacent to a property line to protect fences and neighbouring properties from physical damage.
- 13(10) Stoned surfaces shall be maintained free of dust and spillover onto sidewalks and grass surfaces.

WALKS AND SAFE PASSAGE

- 14(1) There shall be a walk leading from the principal entrance of every building to the street. Such walks may lead to a driveway or hard surfaced area provided such area leads to a street.
- 14(2) The surfaces of steps, walks, driveways, parking spaces and similar areas of the yard shall be maintained so as to afford safe passage under normal use.

SEWAGE AND DRAINAGE

- 15(1) Sanitary sewage shall be discharged into the municipal sanitary sewer where such a system exists. Where a Municipal sanitary sewer does not exist, sewage shall be disposed of in a manner acceptable to the Chief Building Official.
- 15(2) Roof drainage shall not be permitted to discharge on a sidewalk, stairs, neighbouring property, or a street.
- 15(3) Storm water shall be drained from a yard so as to eliminate recurrent standing water or ponding and prevent the entrance of water into a basement or cellar on the property or adjacent properties.
- 15(4) Condensation from air conditioners shall not be permitted to discharge onto the sidewalk or street.
- 15(5) Eavestroughs shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.
- 15(6) Downspouts shall be maintained:
- a) watertight and free from leaks,
 - b) in good working order, and free from any obstructions,
 - c) in a stable condition and shall be securely fastened to the structure, and
 - d) free from unsafe conditions.

ACCESSORY BUILDINGS AND FENCES

- 16(1) Accessory buildings, fences, barriers and retaining walls shall be kept in good repair.
- 16(2) The owner of any property used for multiple-dwelling, commercial, institutional, or industrial purposes shall install and maintain around such property a visual barrier not less than 4 feet (1.2 metres) and not more than 6 feet 6 inches (2.0 metres) in height where such property is used for the parking, access, and exiting of vehicles by tenants, employees, or customers or when used for the operation of equipment or when used for the storage of goods, or when used for any other purpose which may detract from the quiet enjoyment and good appearance of an abutting residential property.

- 16(3) Despite Section 16(2), no visual barrier shall be required within 9 feet, 9 inches (3.0 metres) in distance from a front lot line in accordance with By-law No. 6593, as amended.

ADDITIONAL RESIDENTIAL STANDARDS

WEATHER PROOFING

- 17(1) Every exposed ceiling or exterior wall of a residential building when opened or replaced during the course of alterations or renovations shall be insulated, in order to minimize heat loss, air infiltration and moisture condensation on the interior surfaces, in accordance with,
- (a) the Building Code and amendments thereto, made under the Building Code Act, 1992 or
 - (b) standards equivalent to the Building Code and amendments thereto, satisfactory to the Property Standards Officer.
- 17(2) Windows and exterior doors and frames, basement or cellar hatchways and attic access doors shall be maintained in good repair and shall be of such construction so as to minimize drafts and heat losses through the infiltration of outside cold air.
- 17(3) Rotted or damaged doors, door frames, window frames, sashes and casings, weatherstripping, broken glass and missing or defective door and window hardware shall be repaired or replaced.

SECURITY

- 18(1) All openable windows, exterior doors and the entrance door to a dwelling unit shall have hardware so as to be capable of being locked or otherwise secured.
- 18(2) Every lock on a building that is designed to be unlocked with a key or combination shall be maintained in good working order or shall be repaired or replaced.
- 18(3) The owner of a multiple dwelling shall, upon the written request of an occupant of the dwelling unit, in which children under the age of ten reside, provide and install a protective device on any window that,
- (a) has a moveable sash, and
 - (b) is more than six feet (1.8 m) above adjacent finished ground level.
- 18(4) The protective device shall be installed within seven days of the delivery of the written request upon the owner, his agent or representative.
- 18(5) The protective device shall be installed in such a manner as to prevent any child under the age of ten years from opening a window to any amount greater than four inches (100 mm.).
- 18(6) The owner of a building containing 10 or more dwelling units shall post or display or cause to be posted or displayed and shall maintain or cause to be maintained a legible and clearly printed copy of this section, conspicuously placed in the building so as to be clearly visible and available for ready viewing and easy reading by tenants or occupants of the building.

STAIRS AND PORCHES

- 19(1) Interior and exterior stairs, porches and any other means of access shall be maintained so as to be free of holes, cracks and other defects which may constitute possible accident hazards. Treads or risers that show excessive wear or are broken, warped or loose and all supporting structural members that are rotted or deteriorated shall be repaired or replaced.
- 19(2) A handrail shall be installed and maintained in good repair on all stairs which have more than 3 risers.
- 19(3) Handrails shall be located between 32 inches and 36 inches (810 and 920mm) measured vertically above a line drawn through the outside edges of stair nosings.
- 19(4) Handrails will be provided on both sides of stairs greater than 43 inches (1100 mm) in width.
- 19(5) Every exterior landing, porch and every balcony, mezzanine, gallery, raised walkway and roof to which access is provided for other than for maintenance purposes, shall be protected by guards on all open sides where the difference in elevation between adjacent levels exceeds 24 inches (610 mm), and every exterior stair with more than 6 risers shall be protected with guards on all open sides where the difference in elevation between the adjacent ground level and the stair exceeds 24 inches (610 mm). All guards including those for balconies shall be at least 42 inches (1070mm) in height. Guards for stairs shall be not less than 2 ft 11 in (900 mm) high measured vertically from a line drawn through the outside edges of the stair nosings, and 3 ft 6 in (1070 mm) high at landings. Guards for stairs within dwelling units and stairs serving not more than one dwelling unit shall be not less than 2 ft 7 in (800 mm) measured vertically above a line drawn through the outside edges of stair nosings, and not less than 2 ft 11 in (900 mm) above landings. All required guards within dwelling units, other than those previously described shall be not less than 2 ft 11 in (900 mm) high.

INTERIOR WALLS, CEILINGS AND DOORS

- 20(1) Every wall and ceiling shall be maintained in a condition free from holes, cracks, loose coverings or other defects which would permit flame or excessive heat to enter a concealed space.
- 20(2) Where fire resistant walls and doors exist between separate dwelling units they shall be maintained in a condition which maintains their fire-resistant quality.
- 20(3) Where doors are provided, the doors and associated hardware shall be maintained in a good state of repair.

WATER

- 21(1) Every dwelling shall be provided with a supply of potable water from at least one of the following approved sources:
- a) Municipal Water System
 - b) Communal Water System
 - c) Private Source
- 21(2) Every dwelling or building to which water is available under pressure through piping shall be provided with:
- a) piping for hot and cold water connected to every kitchen fixture, every washbasin, bathtub, shower, slop sink and laundry area and
 - b) piping for cold water connected to every toilet and hose bib,
 - c) equipment which supplies hot water to every washbasin, sink, bathtub or shower.

TOILET, KITCHEN AND BATHROOM FACILITIES

- 22(1) Every dwelling unit shall contain plumbing fixtures consisting of:
- a) a kitchen sink
 - b) a water closet
 - c) a hand wash basin; and
 - d) a bathtub and/or shower
- 22(2) All bathrooms and toilet rooms shall be located within and accessible from within the building and all bathrooms and toilet rooms shall be maintained in a good state of repair.
- 22(3) All bathrooms and toilet rooms shall be fully enclosed and shall have a door capable of being closed so as to provide privacy for the occupant.
- 22(4) A hand wash basin shall be located in the same room as the toilet or in an adjoining bathroom.
- 22(5) Where toilet, kitchen or bathroom facilities are shared by the occupants of residential accommodation, an appropriate entrance shall be provided from a common passageway, hallway, corridor or other common space to the room or rooms containing the said facilities. The minimum number of toilets, kitchens or bathrooms required shall be in accordance with the Ontario Building Code.
- 22(6) Every bathroom and every toilet room shall have a permanently installed artificial lighting fixture that shall be maintained in good working order.
- 22(7) No toilet or urinal shall be located within a habitable room.

KITCHEN FACILITIES

- 23(1) Except for a dwelling in which the occupants do not, and are not intended or permitted to prepare food for their own consumption, and which is not required to have any kitchen facilities, every dwelling unit shall be provided with each of the following components and shall be maintained in a good state of repair:
- (a) Every kitchen shall be provided with a kitchen sink and a splash back which is water and grease resistant.
 - (b) Every kitchen shall be provided with a work surface of at least 8 square feet which shall be impervious to grease and water.
 - (c) Every kitchen shall be provided with kitchen cupboards or pantry for the storage of food, dishes, and cooking utensils having a content of at least 30 cubic feet.
 - (d) Every kitchen shall be provided with sufficient space to accommodate a cooking range or a countertop cooking unit.

ELECTRICAL SERVICES

- 24(1) Every suite and dwelling unit, where required by the Building Code and the Ontario Electrical Code, shall be:
- (a) connected to an electrical supply system; and
 - (b) wired to receive electricity.

- 24(2) The capacity of the connection to the building and the system of circuits and electrical outlets distributing the electrical supply within the building shall be:
- (a) adequate for the intended use; and
 - (b) maintained at all times,
 - (i) free from unsafe conditions ; and
 - (ii) in accordance with the requirements of the Ontario Electrical Code.
- 24(3) An adequate supply of electrical power shall be available in all occupied parts of every dwelling, suite and building.
- 24(4) Electric heating shall be maintained in compliance with the provincial regulations.

LIGHTING

- 25(1) Every stairway, exterior exit and entrance doorway, bathroom, toilet room, kitchen, hall, cellar, basement, laundry, furnace room and non-habitable work room in a suite, dwelling unit or building shall have a permanently installed lighting fixture that shall be maintained in good working order.
- 25(2) All public hallways and stairs in multiple dwellings shall be illuminated so as to provide safe passage.

VENTILATION

- 26(1) Except as herein provided, every habitable room shall have an opening or openings for natural ventilation from outside which shall be maintained in good working order.
- 26(2) Except as herein provided every bathroom or room containing a water closet shall be provided with an opening or openings for natural ventilation located in an exterior wall or through openable parts of skylights and all such openings shall have a minimum aggregate unobstructed area of 1 sq.ft. (.09 sq.m.)
- 26(3) Where a system of mechanical ventilation is provided in accordance with the Ontario Building Code, an opening for natural ventilation from a bathroom or toilet room may be omitted.
- 26(4) All systems of mechanical ventilation shall be maintained in good working order.
- 26(5) The natural ventilation requirements prescribed in subsections (1) and (2) may be omitted from any room where adequate mechanical ventilation equipment has been approved by the Property Standards Officer.
- 26(6) Every basement, cellar and unheated crawl space shall be adequately vented.

GARAGES

- 27(1) Garages shall be so maintained as to prevent gas fumes and carbon monoxide from entering the area of the dwelling unit.
- 27(2) Garages shall be maintained in good repair and free from accident hazards.

GARBAGE DISPOSAL

- 28(1) Every dwelling, dwelling unit and building shall be provided with sufficient receptacles to contain all garbage, rubbish and ashes that accumulate on the property and shall be made available for removal weekly.
- 28(2) Receptacles for garbage shall be:
- i) made of watertight construction
 - ii) provided with a tight fitting cover and
 - iii) maintained in a clean state.
- 28(3) Boxes or plastic bags, when adequately secured so as to prevent spillage, shall be considered to be acceptable receptacles. However, such containers shall not be stored outdoors unless protected from damage.
- 28(4) Paper bags of any type shall not be considered as acceptable receptacles. Such bags, when used to contain garbage, shall be placed in receptacles as prescribed by Section 28.2 or 28.3.
- 28(5) (a) Every garbage and refuse chute, and every garbage and refuse storage room in a multiple dwelling shall be kept in use and maintained in operation at all times.
- (b) No owner of a multiple dwelling or occupant thereof shall disconnect, shut off, remove, otherwise discontinue, or cause or permit the disconnection, shutting-off, removal, or discontinuance of any garbage and refuse chute or any garbage and refuse storage room except when such action is necessary in order to safely make repairs, replacements or alterations thereto, and then only during the reasonable minimum time that such action is necessary.
- (c) Where it is not practical to maintain garbage chutes operational, because compactors are not able to be installed in place of incinerators the garbage and refuse chutes need not be maintained operational at all times if an alternate method readily accessible to all occupants is provided and maintained as follows:
- (i) a garbage storage area is provided on each floor of the building,
 - (ii) the occupants are not required to deliver the garbage to the ground floor, basement or parking lot of the building, and
 - (iii) a daily collection procedure from each floor is provided by the management of the building and the garbage is delivered to the receptacles as required in Sections 28(2) and 28 (3) of this By-Law.

OCCUPANCY STANDARDS

- 29(1) No person shall use or permit the use of a non-habitable room for a habitable room purpose.
- 29(2) Every living room, dining room, and kitchen shall have an average clear height of 7 feet over at least three-quarters of its floor area and every bedroom shall have an average clear height of 7 feet over at least one-half its floor area.
- 29(3) A bedroom or sleeping room for one person shall have a floor area of at least 60 square feet, and a bedroom or sleeping room for 2 or more persons shall have a floor area of at least 36 square feet per person, calculated in each case from the measurement of such room from the inside faces of its walls, exclusive of the floor area of any closet or other storage space.

- 29(4) For the purpose of computing the floor area or ceiling height of rooms referred to in subsections (1) and (2) and (3) of this section, the floor area of any portion of the room which does not have a clear height of 4 feet 6 inches shall be excluded.

RESPONSIBILITIES OF THE OWNER

The owner of a property shall:

- 30(1) Comply with all standards prescribed in this By-law.
- 30(2) Not permit any person to use or occupy any property owned, managed or controlled by him unless such property conforms to the standards prescribed in this By-Law.
- 30(3) Comply with any final and binding order of the Property Standards Officer.
- 30(4) Provide tests and samples as specified by the Property Standards Officer.

ADMINISTRATION AND ENFORCEMENT

Officers

- 31(1) The Chief Building Official appointed pursuant to the Building Code Act, 1992, is hereby assigned the responsibility of administering and enforcing this By-law.
- 31(2) A Property Standards Officer may permit the maintenance of property to alternate standards required by any provision of this By-law.
- 31(3) The alternate standards shall be in accordance with the general purpose and intent of this By-law.
- 31(4) Where alternate standards are permitted, they shall have the same effect and force as standards required by any provision of this By-law.
- 31(5) A Property Standards Officer is hereby authorized to give immediate effect to any order that is confirmed or modified as final and binding under section 15.3(7) of the Building Code Act, 1992 so as to provide for:
- (i) repair of the property; or
 - (ii) clearing of all buildings, structures or debris from the site and the leaving of the site in a graded and levelled condition,
- where the cost of doing the work does not exceed \$20,000.
- 31(6) Where the cost of doing the work exceeds \$20,000, the Building Department shall seek the authorization from City Council to carry out the requirements of the order.
- 31(7) Upon completion of the work referred to in section 31(5), the municipality shall have a lien on the land for the amount spent on the repair or demolition, and the amount shall be deemed to be municipal real property taxes and may be added by the clerk of the municipality to the collector's roll and collected in the same manner and with the same priorities as municipal real property taxes.

RIGHT TO ENTER AND INSPECT

32(1)

An officer acting under this by-law or any person acting under his or her instructions

- (a) may, at any reasonable time, and upon producing proper identification, enter upon any property without a warrant for the purpose of inspecting the property to determine
 - (i) whether the property conforms with the standards prescribed in the by-law
 - (ii) whether an order made under this by-law has been complied with
- (b) Notwithstanding the above, a Property Standards Officer shall not enter or remain in any room or place actually used as a dwelling unless.
 - (i) the consent of the occupier is obtained, first having informed the occupier that the right of entry may be refused and entry made only under the authority of a warrant issued under the Building Code Act, 1992.
 - (ii) the delay necessary to obtain a warrant or the consent of the occupier would result in an immediate danger to the health and safety of any person
 - (iii) a warrant issued under the Building Code Act, 1992 is obtained.
 - (iv) the entry is necessary to repair or demolish the property in accordance with an Order issued under this By-Law and the Officer, within a reasonable time before entering the room or place, serves the occupier with Notice of the Officer's intention to enter the room or place.

NOTICE OF VIOLATION

33(1)

If, after inspection, an officer is satisfied that in some respect the property does not conform with the standards, he or she may issue an order to the owner and such other persons affected by it as the officer determines and a copy of the order may be posted on the property.

33(2)

The order referred to in subsection (1) hereof shall,

- (a) state the municipal address or the legal description of the property.
- (b) give reasonable particulars of the repairs to be made or stating that the site is to be cleared of all buildings, structures, debris, or refuse and left in a graded and levelled condition
- (b) indicate the time for complying with the terms and conditions of the order and give notice that, if the repair or clearance is not carried out within that time, the municipality may carry out the repair or clearance at the owner's expense; and
- (c) indicate the final date for giving notice of appeal from the order.

- (d) be served or caused to be served,
 - (i) by personal service, or
 - (v) by prepaid registered mail sent to the last known address of the person to whom notice is to be given or to that person's agent for service.

APPEAL OF ORDER

- 34(1) An owner or occupant who has been served with an order made under this By-law, and who is not satisfied with the terms or conditions of the order may appeal to the Property Standards Committee by sending a notice of appeal by registered mail to the secretary of the committee within 14 days after being served with the order.
- 34(2) An order that is not appealed within the time referred to above shall be deemed to be confirmed.
- 34(3) If an appeal is taken, the Committee shall hear the appeal and shall have all the powers and functions of the officer who made the order and may,
 - (a) confirm, modify or rescind the order to demolish or repair
 - (b) extend the time for complying with the order if, in the committee's opinion, the general intent and purpose of the by-law and of the official plan or policy statement are maintained.
- 34(4) The city in which the property is situate or any owner or occupant or person affected by a decision under Section 34(3) may appeal to a Judge of the Ontario Court (General Division) by notifying the Clerk of the City in writing and by applying to the Ontario Court (General Division) for an appointment within 14 days after the sending of a copy of the decision
- 34(5) A Judge of the Ontario Court (General Division) shall appoint, in writing, a time and place for the hearing of the appeal and may direct in the appointment the manner in which and upon whom the appointment is to be served.
- 34(6) On the appeal, the Judge has the same powers and functions as the Committee.
- 34(7) An order that is deemed to be confirmed or modified by the Committee or Judge, shall be final and binding upon the owner and occupant who shall carry out the repair or demolition within the time and in the manner specified in the order.

RESPONSIBILITIES OF LESSEE

- 35(1) The occupant of any property to the extent that he or she is made responsible by the lease or agreement under which he or she occupies the property, shall be required to repair and maintain the property in accordance with the standards.

REGISTRATION OF ORDER

- 36(1) An order issued pursuant to subsection (1) of Section 33 may be registered in the Land Registry or Land Titles Office and, upon such registration, any person acquiring any interest in the land subsequent to the registration of the order shall be deemed to have been served with the order on the day on which the order was served under the provisions of this by-law.

- 36(2) When the requirements of the order have been satisfied, the Clerk of the Corporation shall forthwith register in the Land Registry or Land Titles Office a certificate that such requirements have been satisfied, which shall operate as a discharge of such order.

POWER OF CORPORATION TO REPAIR OR DEMOLISH

- 37(1) (a) If the owner or occupant of a property fails to repair or to demolish the property in accordance with an order as confirmed or modified, the City in addition to all other remedies.
- (i) may repair or demolish the property,
 - (ii) may clear the site of all buildings, structures, debris or refuse and leave the site in a graded and levelled condition; and or
 - (iii) may make the site safe or impede entry by erecting fences, barricades or barriers
- (b) for the purposes of section 33(1) the property standards officers and the City's agents may from time to time enter in and upon the property;
- (c) Despite Section 31(2) of the Building Code Act, 1992, the City or an officer acting on its behalf shall not be liable to compensate the owner, occupant or any other person having an interest in the property by reason of anything done by or on behalf of the City in the reasonable exercise of its powers under the provisions of this section.

PROPERTY STANDARDS COMMITTEE

- 38(1) A committee to be known as The Property Standards Committee of the City of Hamilton is hereby continued.
- 38(2) The Property Standards Committee for the City of Hamilton shall consist of 5 ratepayers of the City to be appointed by Council for a 3 year term . The members of the Committee shall hold office until their successors have been appointed. Any vacancy on the Committee shall be filled forthwith by Council.
- 38(3) For the purpose of this Section, "ratepayer" shall mean either an owner of property in Hamilton or a tenant shown on the last revised assessment roll of a property located in Hamilton.

CERTIFICATE OF COMPLIANCE

- 39(1) Every owner may make an application to the City for a certificate of compliance by lodging the application with the Property Standards Officer.
- 39(2) The applicant shall pay the fees referred to in The Building Permit and Fees By-Law No. 93-018 or any successor By-Law for a certificate of compliance applicable at the time the application is made.

PENALTIES

- 40(1) Any owner who fails to comply with an Order which is final and binding is guilty of an offence and upon conviction shall be liable to a fine of not more than \$25,000 for a first offence and to a fine of not more than \$50,000 for any subsequent offence.
- 40(2) Despite subsection (1) if a Corporation is convicted of an offence under this By-Law, the maximum penalty that may be imposed on the Corporation is \$50,000 for a first offence and \$100,000 for any subsequent offence.

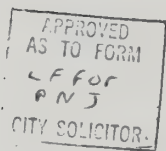
PROCEEDINGS CONTINUED

- 41(1) Any order issued or proceeding conducted under By-laws No. 74-74 or 94-185 shall be deemed to continue under this By-law and any reference to By-laws No. 74-74 or 94-185 shall be deemed to refer to this By-law.
- 41(2) In the recovery or enforcement of penalties and forfeitures incurred, or in any other proceeding in relation to matters that have happened before the repeal of By-Laws No. 74-74 or 94-185 of the Corporation, as amended, the procedure established by this By-Law shall be followed so far as it can be adopted.

REPEAL

- 42 By-Law No. 94-185, as amended as enacted by Council on the 8th November, 1994 and the following By-Laws are hereby repealed:
- 95-226 and 98-104
- 43 This By-Law comes into force on the date of passing.

PASSED this _____ day of _____, 1998



CITY CLERK

MAYOR

761

CITY OF HAMILTON

RECOMMENDATION

SEP 14 1998

DATE: 1998 September 9
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee
FROM: L C King, P.Eng.
Building Commissioner
SUBJECT: Downtown Convert/Renovate-to-Residential Loan Program
Core Heritage 2000 Program
25 Hughson Street South (98.2.4.2.1.A)

RECOMMENDATION:

- a) That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of up to four hundred thousand dollars, (\$400,000) to DeSantis Group Inc., (Tony DeSantis) for conversion of 25 Hughson Street South into twenty five (25) residential units be approved, notwithstanding the program limit of eight units, subject to the following:
- i) Fulfillment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program; and,
 - ii) Exact amount of loan to be determined once unit sizes are finalized; and,
 - iii) Approval by the Ministry of Municipal Affairs and Housing of the Downtown Community Improvement Plan; and,
- b) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for façade improvements be approved, subject to the applicant meeting the requirements of the Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The current program balances for the Downtown Convert/Renovate to Residential Loan and the Gore Heritage 2000 Programs are \$767,567 and \$526,849 respectively.

BACKGROUND:

The purpose of the Hamilton Downtown Convert/Renovate-to-Residential Loan Program is to increase residential opportunities in the downtown by providing critical financial assistance to owners of underutilized commercial properties who wish to convert or renovate to residential. Conversion opportunities abound in the downtown and landlords of vacant properties are encouraged to improve their financial bottom-line by meeting the need for quality apartments in an urban setting.

The Downtown Convert/Renovate-to-Residential Loan Program offers an interest-free ten (10) year term loan of \$12,000 per unit for units 600 square feet or less, increasing \$20 per square foot after that up to a maximum of \$20,000 per unit for a 1,000 square foot unit. A limit of eight units per deeded property was established to promote smaller projects above storefronts and to spread the money around, as funds are limited.

However, take-up of the program is slower than expected. The proposal by the DeSantis Group Inc. relies on approval for 25 units. Staff have reviewed the merits of this proposal, the amount available in the Program account (\$767,567), and are of the opinion that approval for 25 units would not adversely affect any applications or potential applications for 1998. Staff also believe that it is necessary to "jump start" conversions in the downtown with a quality feasible development that is largely being financed by the private-sector.

As such, it is recommended that an exception be made and a conditional commitment be approved for this project for 25 units.

The development involves conversion of floors two (2) to six (6) into residences, with the ground floor being renovated for commercial use.

In addition, staff recommend a Heritage matching grant of \$75,000 under the Core Heritage 2000 Program for heritage treatments to the exterior of the building.

LCK/MM/dk

c.c. Ray Camani, Treasury Department
Dave Powers, Law Department
Nina Chapple, Planning Department

8a)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 1 1998

DATE: September 10, 1998
CDM-CONV-98-004
Rolston Neighbourhood

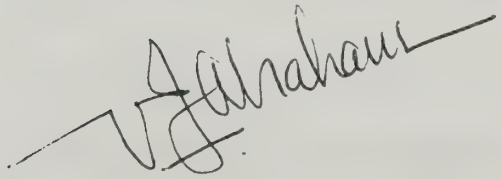
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 11 Kendale Court

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-004 (Regional File 25CDM-98006), Kendale (11-21) Inc., owner, to establish a draft plan of condominium located at 11 Kendale Court, as shown on APPENDIX "A", be denied for the following reasons:
 - (i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Kendale (11-21) Inc., owner.

Surveyor:

S.D. McLaren O.L.S., A.T. McLaren Ltd.

Location:

Known municipally as 11 Kendale Court, the subject property is 1.0123 ha in size and contains a 10-storey apartment structure constructed in 1972 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 101 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 1
Two-Bedroom	- 69 (5 vacant)
Three-Bedroom	- 31 (5 vacant)
Total	- 101 (10 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:**1. Land Use Designation**

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 18, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

The subject lands are designated "Medium Density Apartments" in the approved Rolston Neighbourhood Plan. The proposal does not conflict with the intent of the neighbourhood plan.

Zoning:

The subject lands are zoned DE-2/S-46 (Multiple Dwellings) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a multiple dwelling containing one hundred and one (101) dwelling units as approved by Committee of Adjustment decision A-87:263.
2. A one hundred and one (101) unit multiple dwelling requires 127 parking spaces each having a minimum dimension of 2.7m x 6.0m. The proposed 126 2.44m x 6.1m do not comply."

Building Department staff have further indicated that the plan reference to parking space size is a typographical error and is redline corrected on the attached APPENDIX "A" plan. The additional one parking spot that is required is also redlined and marked as parking space "15A" on the attached APPENDIX "A" plan.

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "Hamilton Mountain" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Hamilton Mountain" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
October, 1996	2.45%	1.31%
October, 1997	3.51%	1.66%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
Pre-Conversion	3.51%	1.66%
Post-Conversion	3.49%	1.61%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>11 Kendale (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>Hamilton Mountain (Oct/97)</u>
One-Bedroom	1	\$499	\$498	\$510
Two-Bedroom	69	\$633	\$603	\$611
Three-Bedroom	<u>31</u>	\$757	\$723	\$776
Total	101			

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Kendale (11-21) Inc.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 11 Kendale Court fails this test as the rental apartment vacancy rate within the Hamilton Mountain local housing market zone as at October, 1997 was recorded at 1.66%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the Hamilton Mountain local housing market zone since October, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the Hamilton Mountain local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 1.66% to approximately 1.61%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. The majority of the units within 11 Kendale Court are two-bedroom units and the average market rent for the occupied units is above both the City of Hamilton average and Hamilton Mountain local housing market zone average.

The average market rent for occupied three-bedroom units within 11 Kendale Court is higher than the City of Hamilton average for three-bedroom units. Compared to the Hamilton Mountain local housing market zone however, the average market rent for three-bedroom units within 11 Kendale are slightly lower, a difference of \$9 per month. As a result, criteria (iii) has been satisfied as the average market rents at 11 Kendale Court are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 11 Kendale Court to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 11 Kendale Court. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) the adequate provision of a full range of housing;"*

Analysis:

The use of the word "adequate" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "adequate" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "full range of housing" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,

- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table below is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts City of Hamilton							
	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive, balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive, balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units (subject property);
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
- 4) 893 Concession Street, Hamilton Mountain, 22 units;
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised that they have "no comments".

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised:

- "1. The recognized use is a multiple dwelling containing one hundred and one (101) dwelling units as approved by Committee of Adjustment decision A-87:263.
2. A one hundred and one (101) unit multiple dwelling requires 127 parking spaces each having a minimum dimension of 2.7m x 6.0m. The proposed 126 2.44m x 6.1m do not comply."

Building Department staff have further indicated that the plan reference to parking space size is a typographical error and is redline corrected on the attached APPENDIX "A" plan. The additional one parking spot that is required is also redlined and marked as parking space "15A" on the attached APPENDIX "A" plan.

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 11 Kendale Court would be premature.
2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 11 Kendale Court through the conversion to condominium would adversely affect the adequate provision of a full range of housing.
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 18, 1998) and does not conflict with the approved Rolston Neighbourhood Plan.

5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

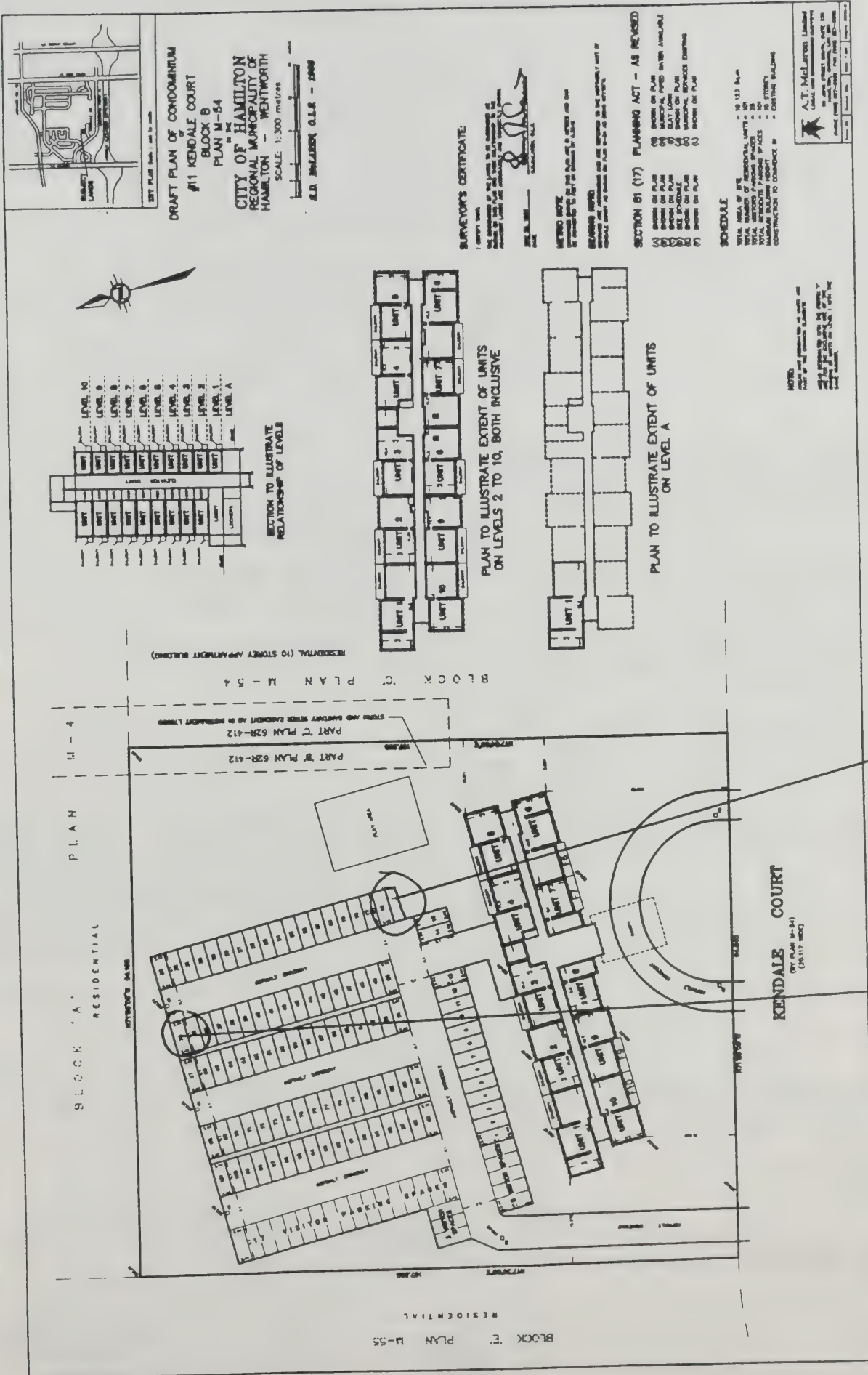
CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

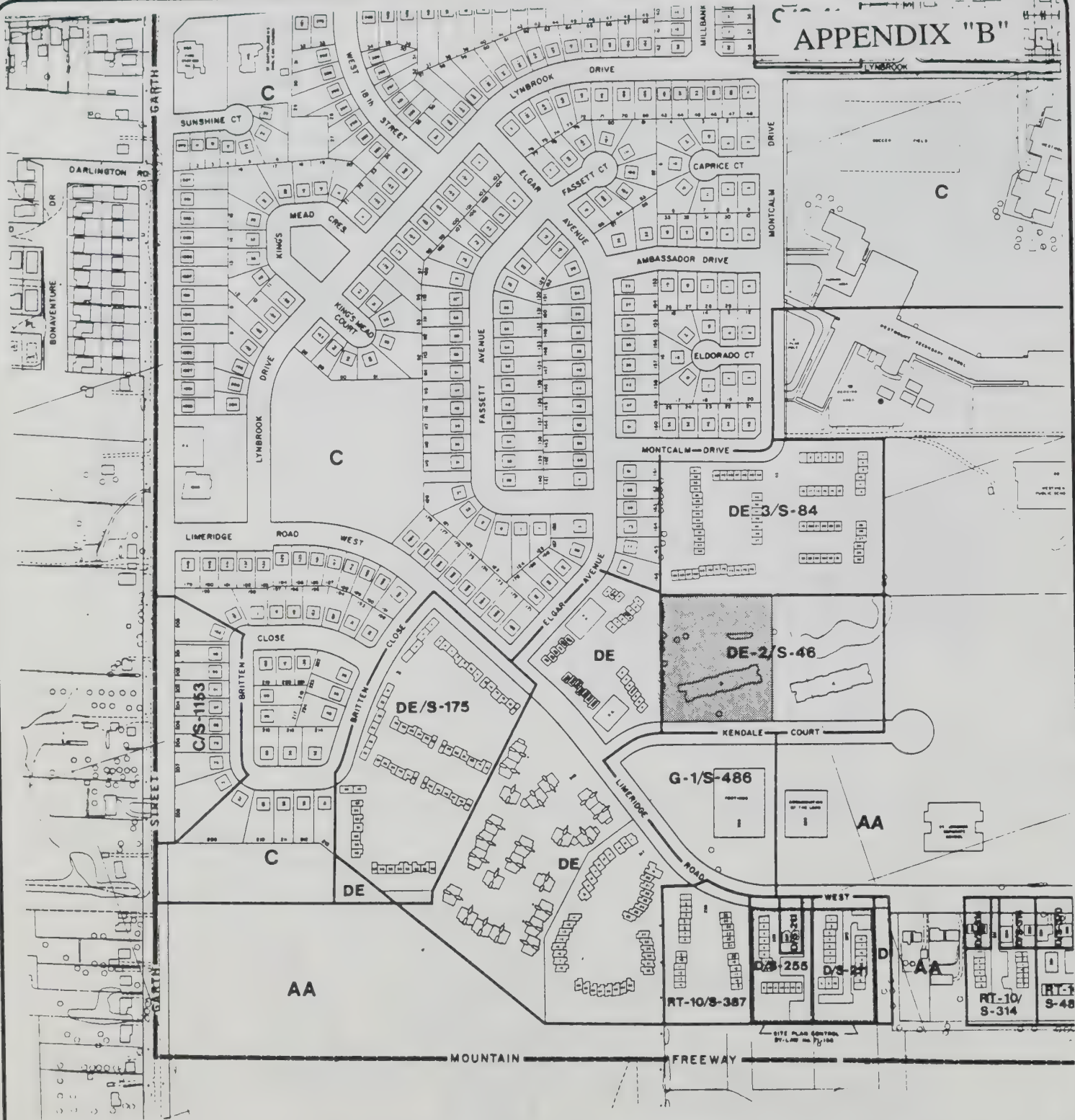
KE/ke

n:/ke/cdm98004

25CDM-98006



APPENDIX "B"

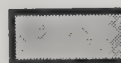


City of Hamilton
Location Plan For

11 Kendale Court

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
July 1998

Reference File No.
CDM-CONV-98-004
(25COM-98006)

Drawn By
FAB

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

APPENDIX "C"

- Feb 16/98 City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
- Mar 10/98 Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
- Mar 19/98 City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
- Mar 30/98 Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
- Apr 4/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- Apr 14/98 Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
- Apr 14/98 Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
- Apr 21/98 Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
- Apr 22/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
- May 5/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- May 14/98 Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
- May 14/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
- May 23/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

86)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 10 1998

DATE: September 10, 1998
CDM-CONV-98-005
Rolston Neighbourhood

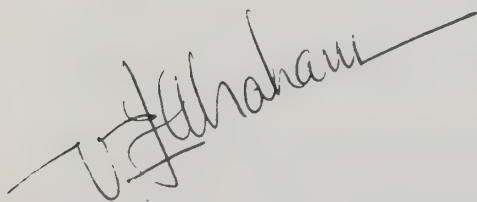
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 21 Kendale Court

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-005 (Regional File 25CDM-98007), Kendale (11-21) Inc., owner, to establish a draft plan of condominium located at 21 Kendale Court, as shown on APPENDIX "A", be denied for the following reasons:
 - (i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Kendale (11-21) Inc., owner.

Surveyor:

S.D. McLaren O.L.S., A.T. McLaren Ltd.

Location:

Known municipally as 21 Kendale Court, the subject property is 1.0123 ha in size and contains a 10-storey apartment structure constructed in 1972 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 101 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 1
Two-Bedroom	- 69 (5 vacant)
Three-Bedroom	- 31 (4 vacant)
Total	- 101 (9 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 18, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

The subject lands are designated "Medium Density Apartments" in the approved Rolston Neighbourhood Plan. The proposal does not conflict with the intent of the neighbourhood plan.

Zoning:

The subject lands are zoned DE-2/S-46 (Multiple Dwellings) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a multiple dwelling containing one hundred and one (101) dwelling units as approved by Committee of Adjustment decision A-87:263.
2. A one hundred and one (101) unit multiple dwelling requires 127 parking spaces each having a minimum dimension of 2.7m x 6.0m. The proposed 126 2.44m x 6.1m do not comply."

Building Department staff have further indicated that the plan reference to parking space size is a typographical error and is redline corrected on the attached APPENDIX "A" plan. The additional one parking spot that is required is also redlined and marked as parking space "15A" on the attached APPENDIX "A" plan.

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "Hamilton Mountain" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Hamilton Mountain" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
October, 1996	2.45%	1.31%
October, 1997	3.51%	1.66%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
Pre-Conversion	3.51%	1.66%
Post-Conversion	3.49%	1.61%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>21 Kendale (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>Hamilton Mountain (Oct/97)</u>
One-Bedroom	1	\$560	\$498	\$510
Two-Bedroom	69	\$635	\$603	\$611
Three-Bedroom	<u>31</u>	\$744	\$723	\$776
Total	101			

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Kendale (11-21) Inc.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 21 Kendale Court fails this test as the rental apartment vacancy rate within the Hamilton Mountain local housing market zone as at October, 1997 was recorded at 1.66%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the Hamilton Mountain local housing market zone since October, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the Hamilton Mountain local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 1.66% to approximately 1.61%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. The majority of the units within 21 Kendale Court are two-bedroom units and the average market rent for the occupied units is above both the City of Hamilton average and Hamilton Mountain local housing market zone average.

The average market rent for occupied three-bedroom units within 21 Kendale Court is higher than the City of Hamilton average for three-bedroom units. Compared to the Hamilton Mountain local housing market zone however, the average market rent for three-bedroom units within 21 Kendale are slightly lower, a difference of \$32 per month or approximately 4% lower. As a result, criteria (iii) has been satisfied as the average market rents at 21 Kendale Court are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 21 Kendale Court to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 21 Kendale Court. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) the adequate provision of a full range of housing;"*

Analysis:

The use of the word "adequate" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "adequate" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "full range of housing" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,

- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts City of Hamilton							
	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive, balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive, balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units (subject property);
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
- 4) 893 Concession Street, Hamilton Mountain, 22 units;
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised that they have "no comments".

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised

- "1. The recognized use is a multiple dwelling containing one hundred and one (101) dwelling units as approved by Committee of Adjustment decision A-87:263.
2. A one hundred and one (101) unit multiple dwelling requires 127 parking spaces each having a minimum dimension of 2.7m x 6.0m. The proposed 126 2.44m x 6.1m do not comply."

Building Department staff have further indicated that the plan reference to parking space size is a typographical error and is redline corrected on the attached APPENDIX "A" plan. The additional one parking spot that is required is also redlined and marked as parking space "15A" on the attached APPENDIX "A" plan.

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 21 Kendale Court would be premature.
2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 21 Kendale Court through the conversion to condominium would adversely affect the adequate provision of a full range of housing.
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 18, 1998) and does not conflict with the approved Rolston Neighbourhood Plan.

5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

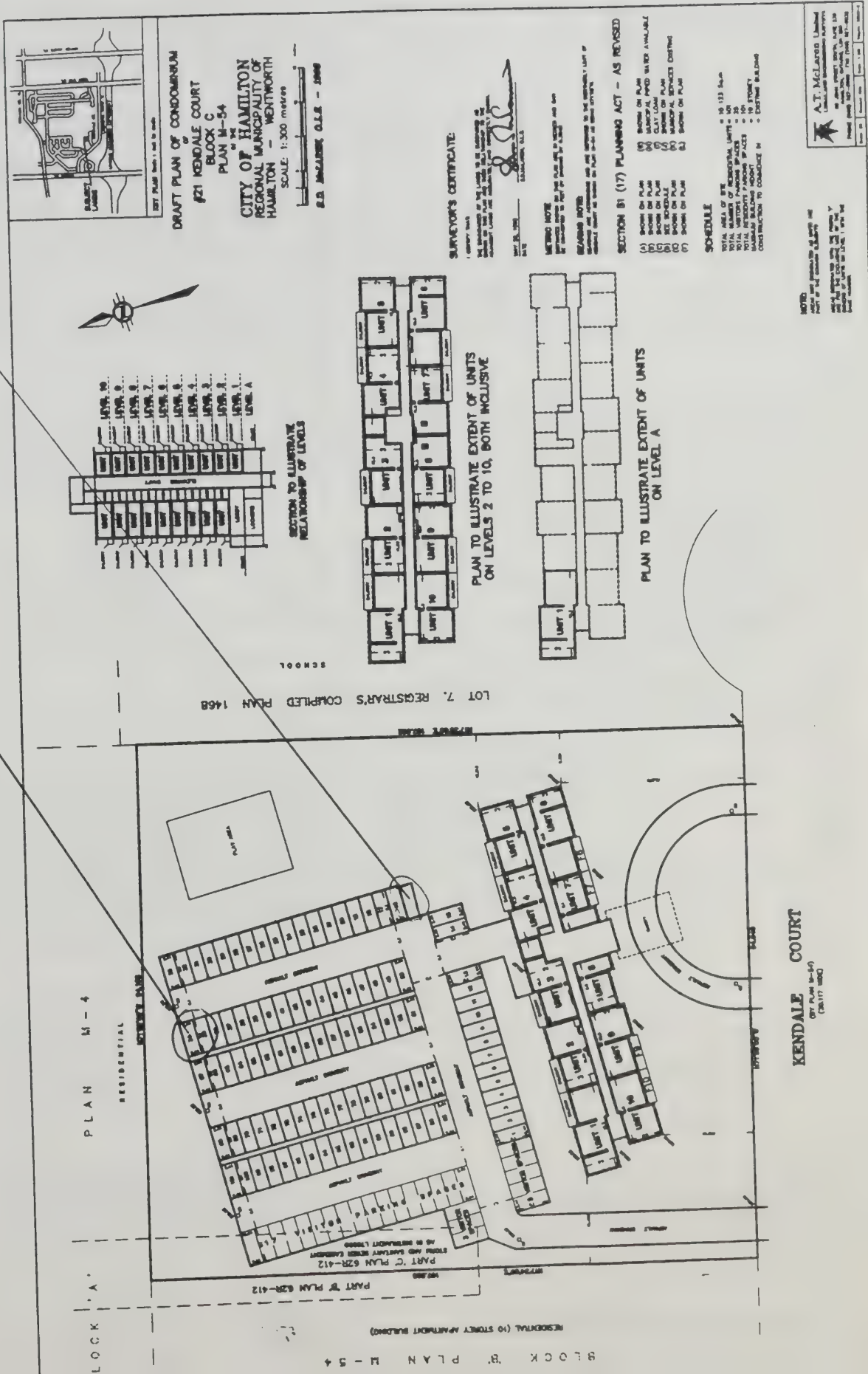
KE/ke

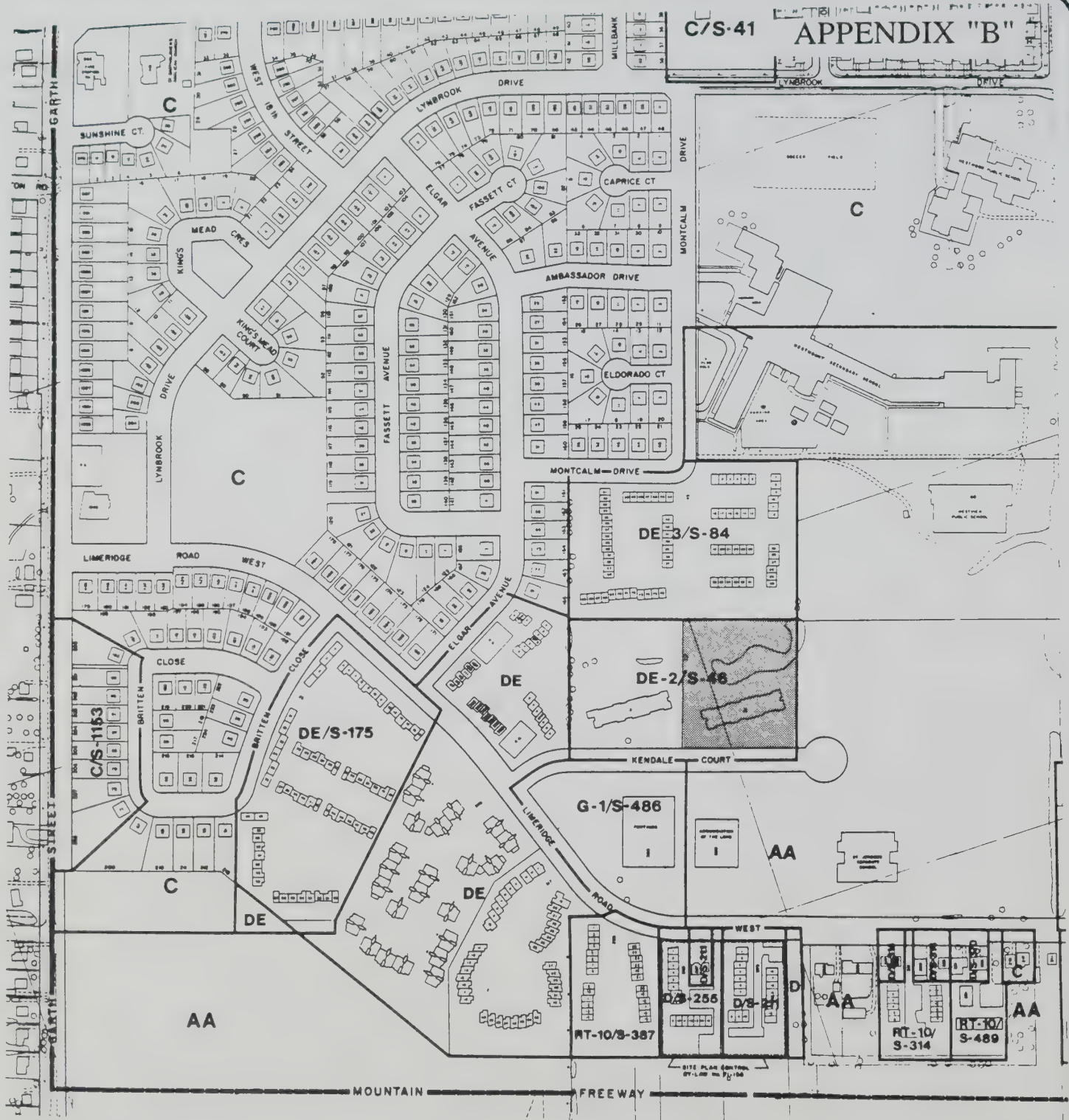
n:/ke/cdm98005

Additional
Parking
Stall "15A"

Revision to
parking stall
dimensions

250UM-98007





City of Hamilton
Location Plan For

21 Kendale Court

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale
Date
July 1998

Reference File No.
CDM-CONV-98-005
(25COM-98007)
Drawn By
FAB

Chronology of Key Events and Actions APPENDIX "C"

Proposed Official Plan Amendment Protection of the Rental Housing Stock

- Feb 16/98 City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
- Mar 10/98 Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
- Mar 19/98 City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
- Mar 30/98 Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
- Apr 4/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- Apr 14/98 Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
- Apr 14/98 Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
- Apr 21/98 Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
- Apr 22/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
- May 5/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- May 14/98 Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
- May 14/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
- May 23/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

CITY OF HAMILTON

8c)

- RECOMMENDATION -

SEP 14 1998

DATE: September 14, 1998
CDM-CONV-98-006
Red Hill Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

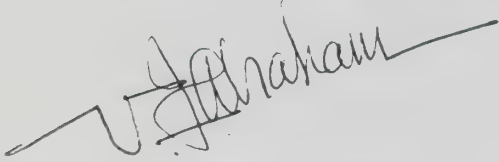
FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 65 Mount Albion Road

RECOMMENDATIONS:

- (1) That approval be granted to application CDM-CONV-98-006 (Regional File 25CDM-98008) submitted by George Sinclair Construction Inc., owner, for a draft plan of condominium for property located at No. 65 Mount Albion Road, as shown on the attached Plan marked as APPENDIX "A", to provide for a condominium comprised of 8 individual townhouse condominium units, subject to the following conditions:
 - i) That this approval applies to the attached draft plan dated June 15, 1998 (APPENDIX "A") prepared by A.T. McLaren Limited;
 - ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor;
 - iii) That prior to approval of the final plan,
 - aa) property taxes shall be in good standing, plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - bb) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593.

- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Applicant:

George Sinclair Construction Inc., owner.

Surveyor:

S.D. McLaren O.L.S., A.T. McLaren Limited.

Location:

Known municipally as 65 Mount Albion Road the subject property is 0.28688 ha in size and contains an 8-unit townhouse structure constructed in 1976 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 8 unit rental townhouse structure to condominium status (see APPENDIX "A"). All eight units are three-bedroom and as of June, 1998 none of the units were vacant.

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:

Hamilton-Wentworth Official Plan:

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 30, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. APPENDIX "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

The subject lands are designated as "attached housing" in the Red Hill Neighbourhood Plan. The proposal complies with the intent of the Neighbourhood Plan.

Zoning:

The subject lands are zoned "RT-10/S-491" (Townhouse) District. The Building Department has commented as follows:

"COMMENTS:

1. The total lot area, while sufficient for the district at 2858.8m² is less than required in DA-83-24 at 2996m².
2. The twelve (12) parking spaces provided are sufficient for the district, but are less than the eight (8) resident and five (5) visitor spaces required in the site plan, as only four (4) visitor spaces exist.
3. The west end of the "existing chain link fence" and the eastern half of the hedge, each shown along the south lot line on the site plan, appear to be missing.
4. The paved asphalt area in the extreme south west corner of the lot, which has replaced the concrete sidewalk shown in the site plan, might be used for parking.

This property complies with the requirements of the Zoning By-Law."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) *the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) *the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) *the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "East Hamilton" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 3 - East End" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental townhouse market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy Statistical Market Analysis

Rental Townhouse Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>East Hamilton</u>
October, 1996	8.00%	18.81%
October, 1997	8.68%	20.18%

Impact on Townhouse Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>East Hamilton</u>
Pre-Conversion	8.68%	20.18%
Post-Conversion	8.73%	20.56%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>65 Mount Albion (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>East Hamilton (Oct/97)</u>
Three-Bedroom	8	\$708	\$768	\$744

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and George Sinclair Construction Inc.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 65 Mount Albion Road satisfies this test as the rental townhouse vacancy rate within the East Hamilton local housing market zone and the City of Hamilton as at October, 1996 and October, 1997 were well over the 2.0% vacancy rate threshold.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the rental townhouse vacancy rate for the City or East Hamilton local housing market zone to below 2.0%. Therefore, this criteria is satisfied.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

It should be noted that the CMHC data for average townhouse rent for three-bedroom units also includes four-bedroom units as well. As a result, the figure provided by CMHC will likely overstate the actual average market rent for three-bedroom townhouse units.

The average market rent for the three-bedroom townhouse units at 65 Mount Albion Road is approximately 8% below the City of Hamilton average and 5% below the East Hamilton local housing market zone average. Recognizing the CMHC data is likely overstated because of the inclusion of four-bedroom townhouse units, criteria (iii) has been satisfied as the average market rents at 65 Mount Albion Road are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental townhouse complex at 65 Mount Albion Road does not conflict with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i), (ii) and (iii) have been satisfied.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 65 Mount Albion Road. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) the adequate provision of a full range of housing;"*

Analysis:

The use of the word "adequate" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "adequate" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "full range of housing" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,

- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of row/townhouse dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Row/Townhouse Dwelling Starts City of Hamilton						
	<u>Private Rental</u>	<u>Assisted Rental</u>	<u>Owner</u>	<u>Sub- Total</u>	<u>All Starts</u>	<u>Percent Row</u>
1998-Q1	8	0	0	8	59	13.6%
1997	28	0	196	224	722	31.0%
1996	0	6	82	88	436	20.2%
1995	0	34	57	91	548	16.6%
1994	0	13	41	54	741	7.3%
1993	0	231	26	257	662	38.8%
1992	0	238	16	254	824	30.8%
1991	0	443	95	538	971	55.4%
1990	130	0	368	498	1502	33.2%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there has been minimal new rental row/townhouse starts in the City of Hamilton. However, the construction of row/townhouse units targeted for the ownership sector has remained fairly steady and it is likely a small number of these units would be utilized as rental units. CMHC has also indicated there are 12 "pending starts" of row/townhouse housing units targeted for the ownership sector in the City of Hamilton.

According to CMHC, a rental townhouse vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental townhouse vacancy rate is also an indicator of the demand for rental townhouse units within a particular area. Although there has been absence of new townhouse rental units since the termination of the various non-profit and co-operative programs, the demand for townhouse rental units is considerably weak as evidenced by a townhouse vacancy rate of over 8.0% as of October, 1997 for the City of Hamilton. In fact, since October, 1991, the rental townhouse vacancy rate for the City has been at or above 2.4%.

Considering the rental townhouse vacancy rate for the City of Hamilton has been at or above 3.5% since October, 1992, combined with a townhouse vacancy rate of over 20% in the East End rental sub-market area, this is a firm indication that the demand for rental townhouse units in

Hamilton and specifically within the East End continues to be weak. This weak demand is likely a result of families with children, the key target market for rental townhouse units, moving into the ownership marketplace.

Accordingly, removal of the rental townhouse units would not act as a negative influence in the current townhouse rental market situation. The approval of rental townhouse units for conversion to condominium would not be premature and, in addition, the proposal would not adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised that they have "no comments".

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised:

- "1. The total lot area, while sufficient for the district at 2858.8m² is less than required in DA-83-24 at 2996m².
2. The twelve (12) parking spaces provided are sufficient for the district, but are less than the eight (8) resident and five (5) visitor spaces required in the site plan, as only four (4) visitor spaces exist.
3. The west end of the "existing chain link fence" and the eastern half of the hedge, each shown along the south lot line on the site plan, appear to be missing.
4. The paved asphalt area in the extreme south west corner of the lot, which has replaced the concrete sidewalk shown in the site plan, might be used for parking.

This property complies with the requirements of the Zoning By-Law."

COMMENTS:

1. A rental townhouse vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental townhouse vacancy rate for the East End sub-market area was recorded by Canada Mortgage and Housing Corporation at 20.2% in October, 1997 and 18.8% in October, 1996 while the overall rental townhouse vacancy rate for the City of Hamilton is over 8.0%. Accordingly, there is an excess supply of rental townhouse units and the proposed conversion to condominium is not premature and will not adversely affect the adequate provision of a full range of housing.

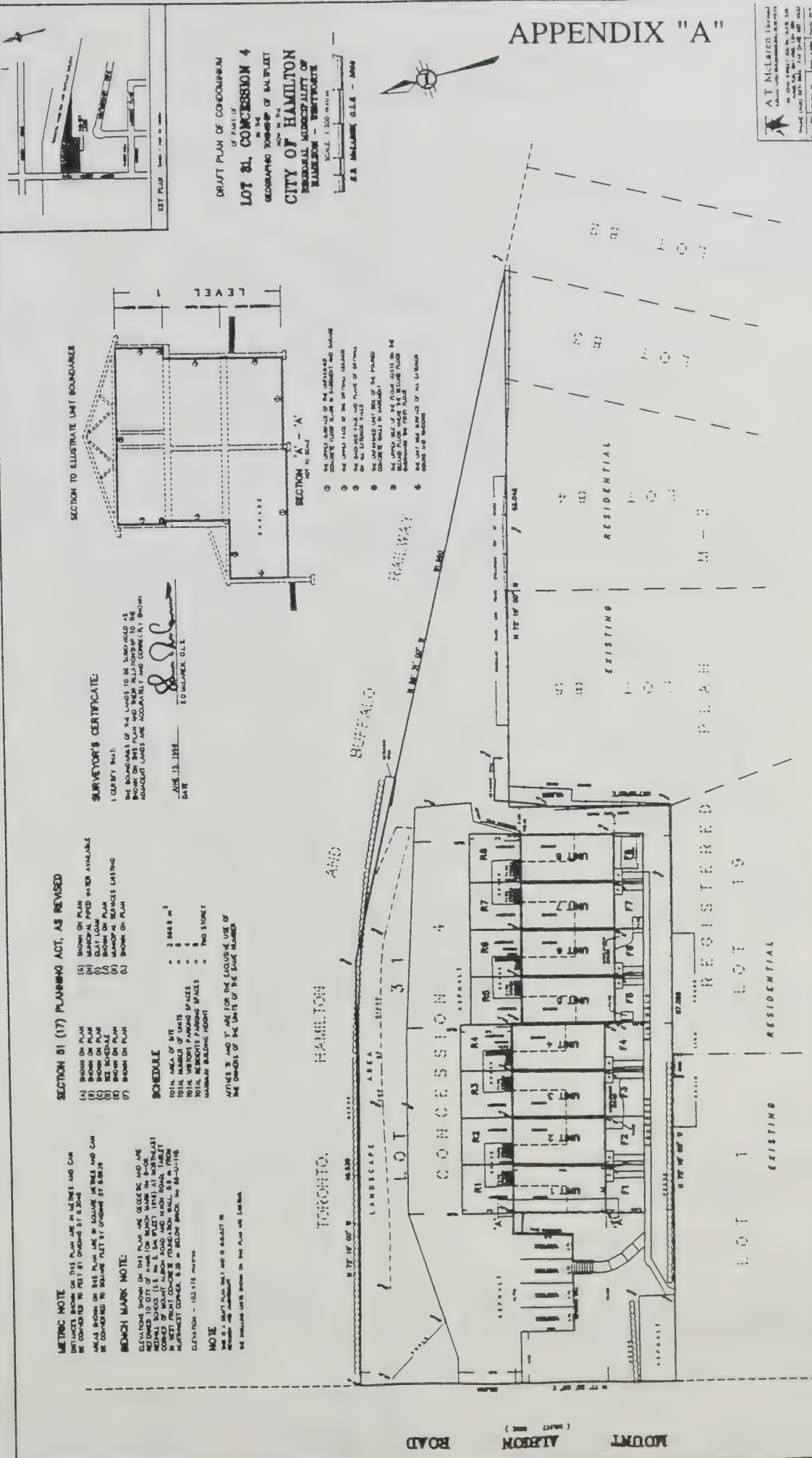
2. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
3. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 25, 1998).
4. The proposed conversion satisfies the three criteria of the Condominium Conversion policy adopted by Council on May 26, 1998.

CONCLUSION:

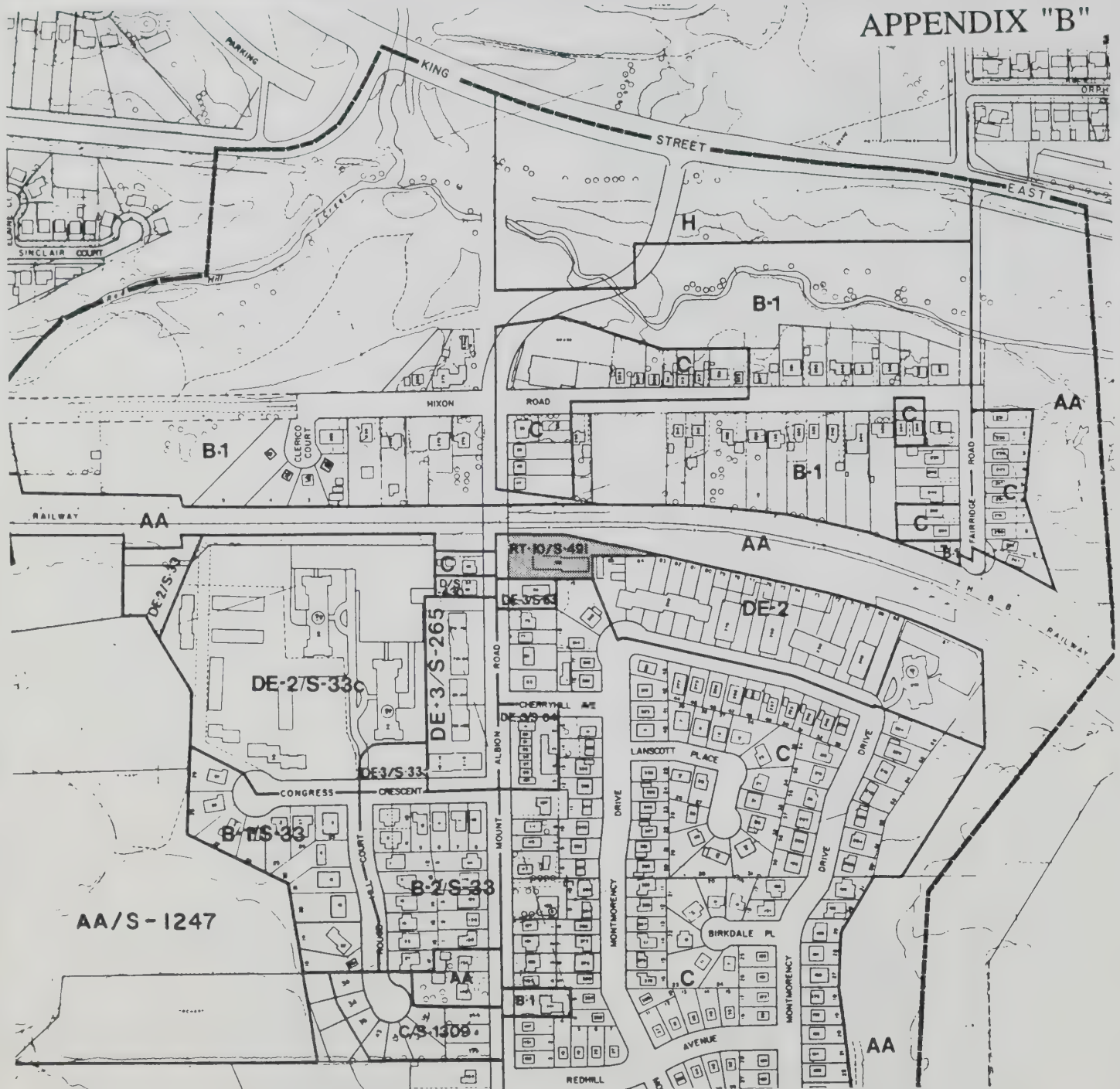
On the basis of the forgoing, the proposed plan of condominium can be supported.

KE/ke

n:/ke/cdm98006



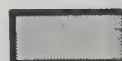
APPENDIX "B"



City of Hamilton Location Plan For 65 Mount Albion Rd.

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
July 1998

Reference File No.
CDM-CONV-98-006
(25COM-98008)
Drawn By
FAB

APPENDIX "C"

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

- Feb 16/98 City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
- Mar 10/98 Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
- Mar 19/98 City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
- Mar 30/98 Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
- Apr 4/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- Apr 14/98 Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
- Apr 14/98 Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
- Apr 21/98 Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
- Apr 22/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
- May 5/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- May 14/98 Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
- May 14/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
- May 23/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

8d)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 10 1998

DATE: September 10, 1998
CDM-CONV-98-007
Hill Park Neighbourhood

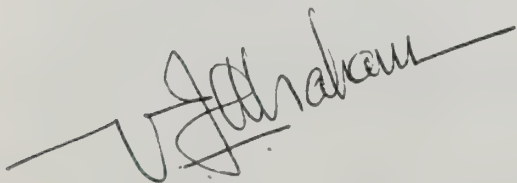
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 293 Mohawk Road East

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-007 (Regional File 25CDM-98009), Barton Ellis Holdings Limited (In Trust), owner, to establish a draft plan of condominium located at 293 Mohawk Road East, as shown on APPENDIX "A", be denied for the following reasons:
 - (i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Barton Ellis Holdings Limited (In Trust), owner.

Surveyor:

Bryan Jacobs O.L.S., Consoli & Jacobs Surveying Ltd.

Location:

Known municipally as 293 Mohawk Road East the subject property is 0.119 ha in size and contains a 7-storey apartment structure constructed in 1964 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 24 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 12 (3 vacant)
Two-Bedroom	- 12 (0 vacant)
Total	- 24 (3 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:**1. Land Use Designation**

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 25, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

There is no Neighbourhood Plan for the Hill Park Neighbourhood.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a twenty-four (24) unit multiple dwelling with a total of twenty-four (24) parking spaces contained within the building and at grade in the rear yard.
2. The dimensions of the parking spaces, manoeuvring spaces and access driveways have not been indicated. It appears that some of the parking space adjacent to the rear lot line do not have sufficient manoeuvring space."

Building Department staff advised that a revised plan showing appropriate dimensions would be required and, if necessary, Committee of Adjustment variances would be necessary.

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) *the adequate provision of a full range of housing;"*

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive or balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units (subject property);
- 4) 893 Concession Street, Hamilton Mountain, 22 units;
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"Recommendations:

None.

Information:

1. There is an existing Municipal sanitary sewer and storm sewer available to service this development directly.
2. There is an existing Municipal watermain adjacent to this development to service these lands directly.
3. There are no road widening required by the Region.
4. There is no Municipal share of services to be installed for this development.

The submitted plan, as prepared by Consoli & Jacobs Surveying Ltd. and dated March 24, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised the following:

"COMMENTS:

1. The recognized use is a twenty-four (24) unit multiple dwelling with a total of twenty-four (24) parking spaces contained within the building and at grade in the rear yard.
2. The dimensions of the parking spaces, manoeuvring spaces and access driveways have not been indicated. It appears that some of the parking space adjacent to the rear lot line do not have sufficient manoeuvring space."

Building Department staff advised that a revised plan showing appropriate dimensions would be required and, if necessary, Committee of Adjustment variances would be necessary.

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 293 Mohawk Road East would be premature.

2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 293 Mohawk Road East through the conversion to condominium would adversely affect the adequate provision of a full range of housing.
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 25, 1998).
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

n:/ke/cdm98007

DRAFT PLAN OF
LOTS 25 & 26
 REGISTERED PLAN No. 1056
 BRIAN SURVEY
 BEING A PROPOSED CONDOMINIUM IN THE
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF
 HAMILTON - WENTWORTH
 SCALE 1:200
 CONSOLI & JACOBS SURVEYING LTD.
 ONTARIO LAND SURVEYORS
 1995

METRIC NOTE:
 DIMENSIONS ARE SHOWN IN METRIC AND CAN BE CONVERTED
 BY DIVIDING BY 0.3048

BEARING NOTE:
 BEARINGS ARE ASTROLOGICAL AND ARE NOTED TO
 THE NEAREST LIMIT OF MOHAWK ROAD AS SHOWN ON
 REGISTERED PLAN NO. 1056. ALL HAVING A
 BEARING OF N 71° 20' 00" W.

LEGEND

- 0 SURVEY MONUMENT FOUND
- 1 SURVEY MONUMENT LOCATED
- 2 SURVEY MONUMENT SET
- 3 SURVEY MONUMENT SET
- 4 SURVEY MONUMENT SET
- 5 SURVEY MONUMENT SET
- 6 SURVEY MONUMENT SET
- 7 SURVEY MONUMENT SET
- 8 SURVEY MONUMENT SET
- 9 SURVEY MONUMENT SET
- 10 SURVEY MONUMENT SET
- 11 SURVEY MONUMENT SET
- 12 SURVEY MONUMENT SET
- 13 SURVEY MONUMENT SET
- 14 SURVEY MONUMENT SET
- 15 SURVEY MONUMENT SET
- 16 SURVEY MONUMENT SET
- 17 SURVEY MONUMENT SET
- 18 SURVEY MONUMENT SET
- 19 SURVEY MONUMENT SET
- 20 SURVEY MONUMENT SET
- 21 SURVEY MONUMENT SET
- 22 SURVEY MONUMENT SET
- 23 SURVEY MONUMENT SET
- 24 SURVEY MONUMENT SET
- 25 SURVEY MONUMENT SET
- 26 SURVEY MONUMENT SET
- 27 SURVEY MONUMENT SET
- 28 SURVEY MONUMENT SET
- 29 SURVEY MONUMENT SET
- 30 SURVEY MONUMENT SET
- 31 SURVEY MONUMENT SET
- 32 SURVEY MONUMENT SET
- 33 SURVEY MONUMENT SET
- 34 SURVEY MONUMENT SET
- 35 SURVEY MONUMENT SET
- 36 SURVEY MONUMENT SET
- 37 SURVEY MONUMENT SET
- 38 SURVEY MONUMENT SET
- 39 SURVEY MONUMENT SET
- 40 SURVEY MONUMENT SET
- 41 SURVEY MONUMENT SET
- 42 SURVEY MONUMENT SET
- 43 SURVEY MONUMENT SET
- 44 SURVEY MONUMENT SET
- 45 SURVEY MONUMENT SET
- 46 SURVEY MONUMENT SET
- 47 SURVEY MONUMENT SET
- 48 SURVEY MONUMENT SET
- 49 SURVEY MONUMENT SET
- 50 SURVEY MONUMENT SET
- 51 SURVEY MONUMENT SET
- 52 SURVEY MONUMENT SET
- 53 SURVEY MONUMENT SET
- 54 SURVEY MONUMENT SET
- 55 SURVEY MONUMENT SET
- 56 SURVEY MONUMENT SET
- 57 SURVEY MONUMENT SET
- 58 SURVEY MONUMENT SET
- 59 SURVEY MONUMENT SET
- 60 SURVEY MONUMENT SET
- 61 SURVEY MONUMENT SET
- 62 SURVEY MONUMENT SET
- 63 SURVEY MONUMENT SET
- 64 SURVEY MONUMENT SET
- 65 SURVEY MONUMENT SET
- 66 SURVEY MONUMENT SET
- 67 SURVEY MONUMENT SET
- 68 SURVEY MONUMENT SET
- 69 SURVEY MONUMENT SET
- 70 SURVEY MONUMENT SET
- 71 SURVEY MONUMENT SET
- 72 SURVEY MONUMENT SET
- 73 SURVEY MONUMENT SET
- 74 SURVEY MONUMENT SET
- 75 SURVEY MONUMENT SET
- 76 SURVEY MONUMENT SET
- 77 SURVEY MONUMENT SET
- 78 SURVEY MONUMENT SET
- 79 SURVEY MONUMENT SET
- 80 SURVEY MONUMENT SET
- 81 SURVEY MONUMENT SET
- 82 SURVEY MONUMENT SET
- 83 SURVEY MONUMENT SET
- 84 SURVEY MONUMENT SET
- 85 SURVEY MONUMENT SET
- 86 SURVEY MONUMENT SET
- 87 SURVEY MONUMENT SET
- 88 SURVEY MONUMENT SET
- 89 SURVEY MONUMENT SET
- 90 SURVEY MONUMENT SET
- 91 SURVEY MONUMENT SET
- 92 SURVEY MONUMENT SET
- 93 SURVEY MONUMENT SET
- 94 SURVEY MONUMENT SET
- 95 SURVEY MONUMENT SET
- 96 SURVEY MONUMENT SET
- 97 SURVEY MONUMENT SET
- 98 SURVEY MONUMENT SET
- 99 SURVEY MONUMENT SET
- 100 SURVEY MONUMENT SET

SCHEDULE R: SECTION 50(2) (PLANNING ACT)

- A SEE DRAFT PLAN
- B SEE DRAFT PLAN
- C SEE DRAFT PLAN
- D SEE DRAFT PLAN
- E SEE DRAFT PLAN
- F SEE DRAFT PLAN
- G SEE DRAFT PLAN
- H SEE DRAFT PLAN
- I SEE DRAFT PLAN
- J SEE DRAFT PLAN
- K SEE DRAFT PLAN
- L SEE DRAFT PLAN
- M SEE DRAFT PLAN
- N SEE DRAFT PLAN
- O SEE DRAFT PLAN
- P SEE DRAFT PLAN
- Q SEE DRAFT PLAN
- R SEE DRAFT PLAN
- S SEE DRAFT PLAN
- T SEE DRAFT PLAN
- U SEE DRAFT PLAN
- V SEE DRAFT PLAN
- W SEE DRAFT PLAN
- X SEE DRAFT PLAN
- Y SEE DRAFT PLAN
- Z SEE DRAFT PLAN

SITE STATISTICS

LOT AREA: 0.118 Ha
 NUMBER OF UNITS: 1
 DENSITY: 230 UNITS/HA
 NUMBER OF PARKING SPACES: 33

OWNER'S CERTIFICATE
 I HEREBY AUTHORIZE CONSOLI & JACOBS SURVEYING LTD. TO
 PREPARE AND SUBMIT THIS CONDOMINIUM DRAFT PLAN TO THE
 REGIONAL MUNICIPALITY OF HAMILTON - WENTWORTH

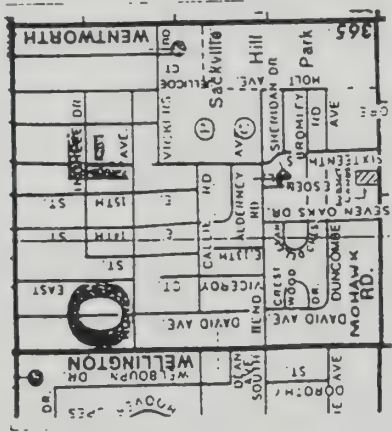
DATE: June 27, 1995
 BY: [Signature]
 FOR: [Signature]

SURVEYOR'S CERTIFICATE
 I HEREBY CERTIFY THAT THE DIMENSIONS OF THE LAND 10 IN
 THIS DRAFT PLAN ARE ACCURATELY SHOWN

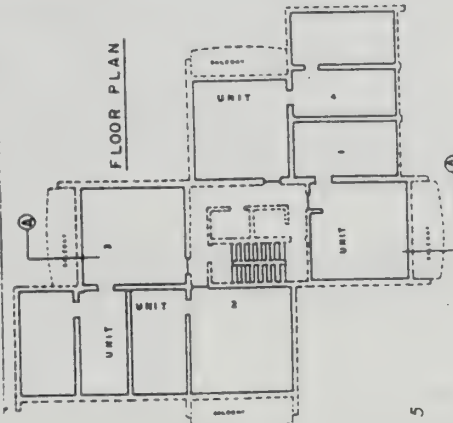
DATE: June 27, 1995
 BY: [Signature]
 FOR: [Signature]

CONSOLI & JACOBS
 SURVEYING LTD.

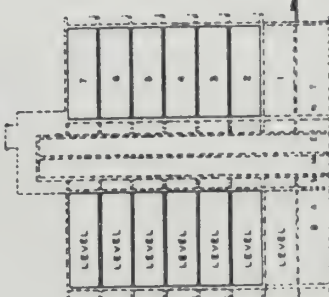
131 GERRARD ST. E., HAMILTON, ONT. L0L 1G0
 TEL: (905) 571-1535 FAX: (905) 571-1088 (LHW-102)



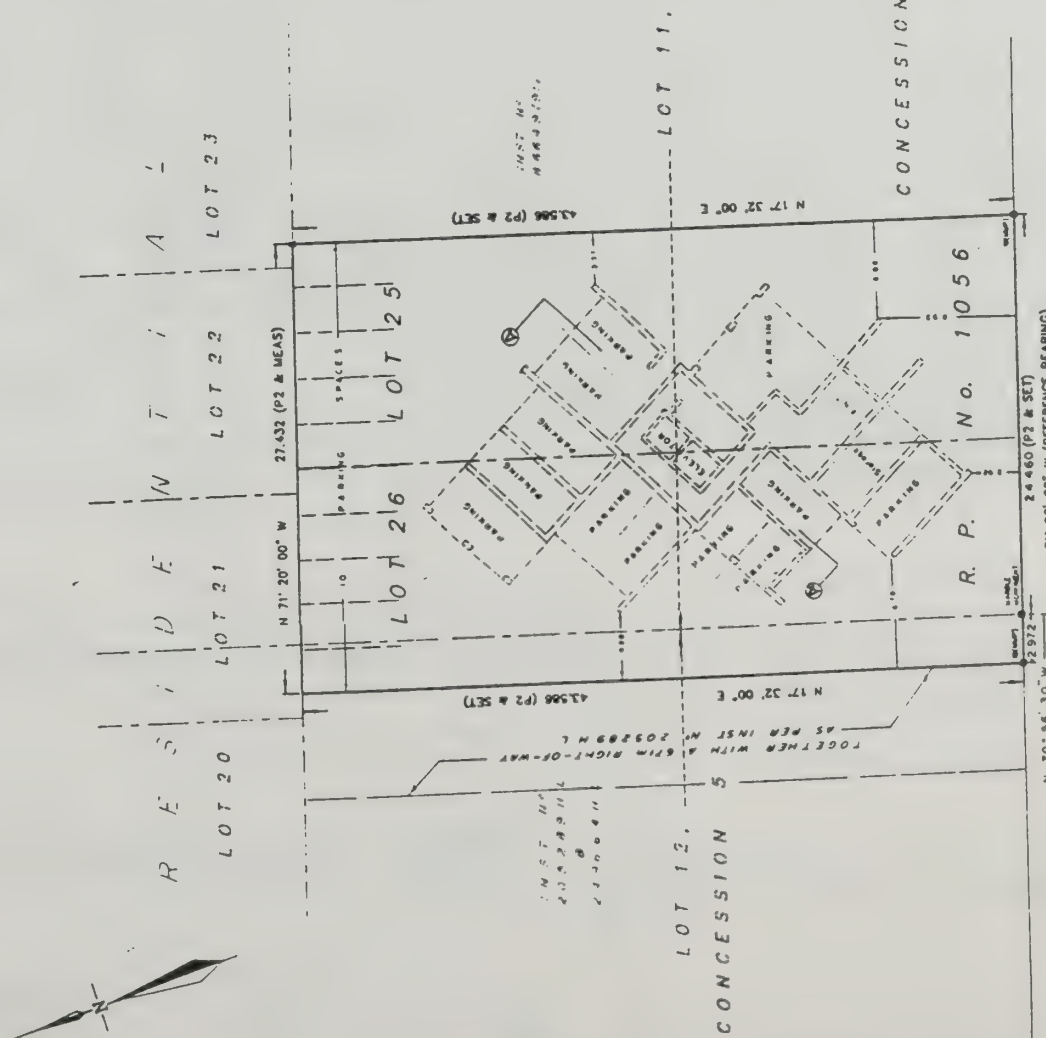
KEY PLAN



FLOOR PLAN



SECTION A-A
 (NOT TO SCALE)



MOHAWK ROAD (10.18m WIDE)

(ROAD ALLOWANCE BETWEEN CONCESSIONS 5 & 6)

LOT 12

CONCESSION 5

CONCESSION 5

N.O. 1056

R.P.

N 71° 20' 00" W (REFERENCE BEARING)

24.460 (P2 & SET)

2.972

N 70° 56' 30" W

43.506 (P2 & SET)

43.506 (P2 & SET)

N 17° 32' 00" E

43.506 (P2 & SET)

N 17° 32' 00" E

43.506 (P2 & SET)

N 17° 32' 00" E

43.506 (P2 & SET)

N 17° 32' 00" E

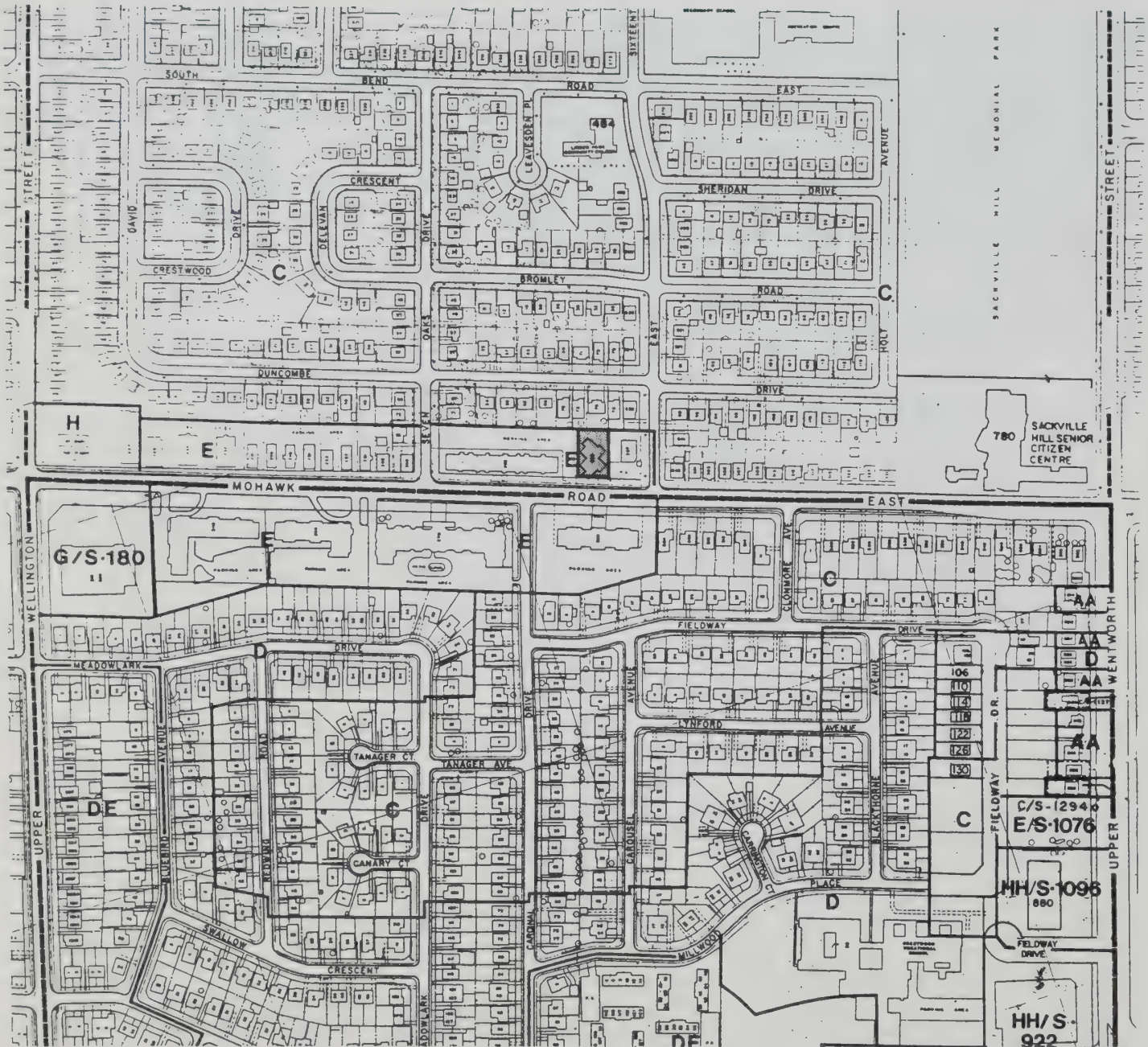
43.506 (P2 & SET)

N 17° 32' 00" E

43.506 (P2 & SET)



APPENDIX "B"

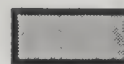


City of Hamilton
Location Plan For

293 Mohawk Road East

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
August 1998

Reference File No.
CDM-CONV-98-007
(25COM-98009)
Drawn By
FAB

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

APPENDIX "C"

- Feb 16/98 City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
- Mar 10/98 Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
- Mar 19/98 City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
- Mar 30/98 Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
- Apr 4/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- Apr 14/98 Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
- Apr 14/98 Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
- Apr 21/98 Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
- Apr 22/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
- May 5/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- May 14/98 Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
- May 14/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
- May 23/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

8e)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 13 1998

DATE: September 10, 1998
CDM-CONV-98-008
Ainslie Wood West Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 1950 Main Street West

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-008 (Regional File 25CDM-98011), Christopher and Henrietta Rowe, owner, to establish a draft plan of condominium located at 1950 Main Street West, as shown on APPENDIX "A", be denied for the following reasons:
 - (i) the proposal is premature until such time the West End rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Chris Rowe and Henrietta Rowe, owner.

Surveyor:

S.D. McLaren O.L.S., A.T. McLaren Ltd.

Location:

Known municipally as 1950 Main Street West, the subject property is 0.4692 ha in size and contains a 11-storey apartment structure constructed in 1973 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 88 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

Bachelor	- 2
One-Bedroom	- 44 (1 Vacant)
Two-Bedroom	- 42 (6 vacant)
Total	- 88 (7 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:1. Land Use Designation

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 29, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

The subject lands are designated "Medium Density Apartments" in the approved Ainslie Wood West Neighbourhood Plan. The proposal does not conflict with the intent of the neighbourhood plan.

Zoning:

The subject lands are zoned E/S-91 (Multiple Dwellings, Lodges, Clubs, Etc.) District as amended by A-72:29, A-73:43 and A-94:42. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is an 88 unit multiple dwelling which is required to provide 110 parking spaces. Twenty-two parking spaces are permitted to be located at grade and the remaining 88 parking spaces must be located below grade.
2. This site is regulated by amending By-law 68-371 (S-91) and buildings, structures and land use must comply with Schedule "B" of the by-law as amended by the three above mentioned Committee of Adjustment decisions.

Building location compliance can not be determined as no setbacks to the lot lines were provided on the submitted plan; however, the parking as shown does not conform.

Sixty-six parking spaces are required to be provided on Level B, twenty-two parking spaces are required to be provided on Level A (underground) and twenty-two parking spaces are permitted on Level A (above ground).

The parking space and manoeuvring space sizes shown do not conform to the minimum size requirements as approved in 1974.

A successful application to the Committee of Adjustment is required to address the non-conforming parking situation. Variances granted for parking space and manoeuvring space sizes will be required to meet current zoning regulations as opposed to 1974 regulations.

All parking spaces must be free of any obstruction, i.e., columns, sump and pipes as shown in the plan submitted."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "West Hamilton" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 5 - West End" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are shown on the following page:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>West Hamilton</u>
October, 1996	2.45%	0.96%
October, 1997	3.51%	0.71%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>West Hamilton</u>
Pre-Conversion	3.51%	0.71%
Post-Conversion	3.50%	0.46%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>1950 Main W. (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>West Hamilton (Oct/97)</u>
Bachelor	2	\$485	\$410	\$450
One-Bedroom	44	\$584	\$498	\$511
Two-Bedroom	<u>42</u>	\$689	\$603	\$609
Total	88			

Data Sources: Canada Mortgage and Housing Corporation (CMHC) and Christopher & Henrietta Rowe.

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 1950 Main Street West fails this test as the rental apartment vacancy rate within the West Hamilton local housing market zone as at October, 1997 was recorded at 0.71%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the West Hamilton local housing market zone since April, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the West Hamilton local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 0.71% to approximately 0.46%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. The vast majority of the units within 1950 Main Street West are one and two-bedroom units and the average market rent for the occupied units is above both the City of Hamilton average and the West Hamilton local housing market zone average. The proposal satisfies this criteria.

Accordingly, the proposed conversion of the rental apartment building at 1950 Main Street West to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 1950 Main Street West. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) the adequate provision of a full range of housing;"*

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts City of Hamilton							
	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the West End rental sub-market area, the last new rental apartment building constructed was started in June, 1994 at 101 Broadway Avenue (45 units - Municipal (Hamilton) Non-Profit Housing Corporation). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the West End (Zone 5) rental sub-market area was recorded at 0.71% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 0.96%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the West End rental sub-market area has not been at or above 2.0% since April, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the West End sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive, balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the West End a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the West End sub-market area through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for West End rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
- 4) 893 Concession Street, Hamilton Mountain, 22 units;
- 5) 1950 Main Street West, West End/West Hamilton, 88 units (subject property); and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised that they have "no comments".

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department has advised the following:

- "1. The recognized use is an 88 unit multiple dwelling which is required to provide 110 parking spaces. Twenty-two parking spaces are permitted to be located at grade and the remaining 88 parking spaces must be located below grade.
2. This site is regulated by amending By-law 68-371 (S-91) and buildings, structures and land use must comply with Schedule "B" of the by-law as amended by the three above mentioned Committee of Adjustment decisions.

Building location compliance can not be determined as no setbacks to the lot lines were provided on the submitted plan; however, the parking as shown does not conform.

Sixty-six parking spaces are required to be provided on Level B, twenty-two parking spaces are required to be provided on Level A (underground) and twenty-two parking spaces are permitted on Level A (above ground).

The parking space and manoeuvring space sizes shown do not conform to the minimum size requirements as approved in 1974.

A successful application to the Committee of Adjustment is required to address the non-conforming parking situation. Variances granted for parking space and manoeuvring space sizes will be required to meet current zoning regulations as opposed to 1974 regulations. All parking spaces must be free of any obstruction, i.e., columns, sump and pipes as shown in the plan submitted."

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the West End rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 0.71% in October, 1997 and 0.96% in October, 1996. Accordingly, until such time the rental housing marketplace in the West End rental sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 1950 Main Street West would be premature.
2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the West End sub-market area since 1994. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the West End since April, 1977, the removal of the rental apartment units at 1950 Main Street West through the conversion to condominium would adversely affect the adequate provision of a full range of housing.
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 29, 1998) and does not conflict with the approved Ainslie Wood West Neighbourhood Plan.
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the West Hamilton local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the West Hamilton local housing market zone further below the 2.0% level.

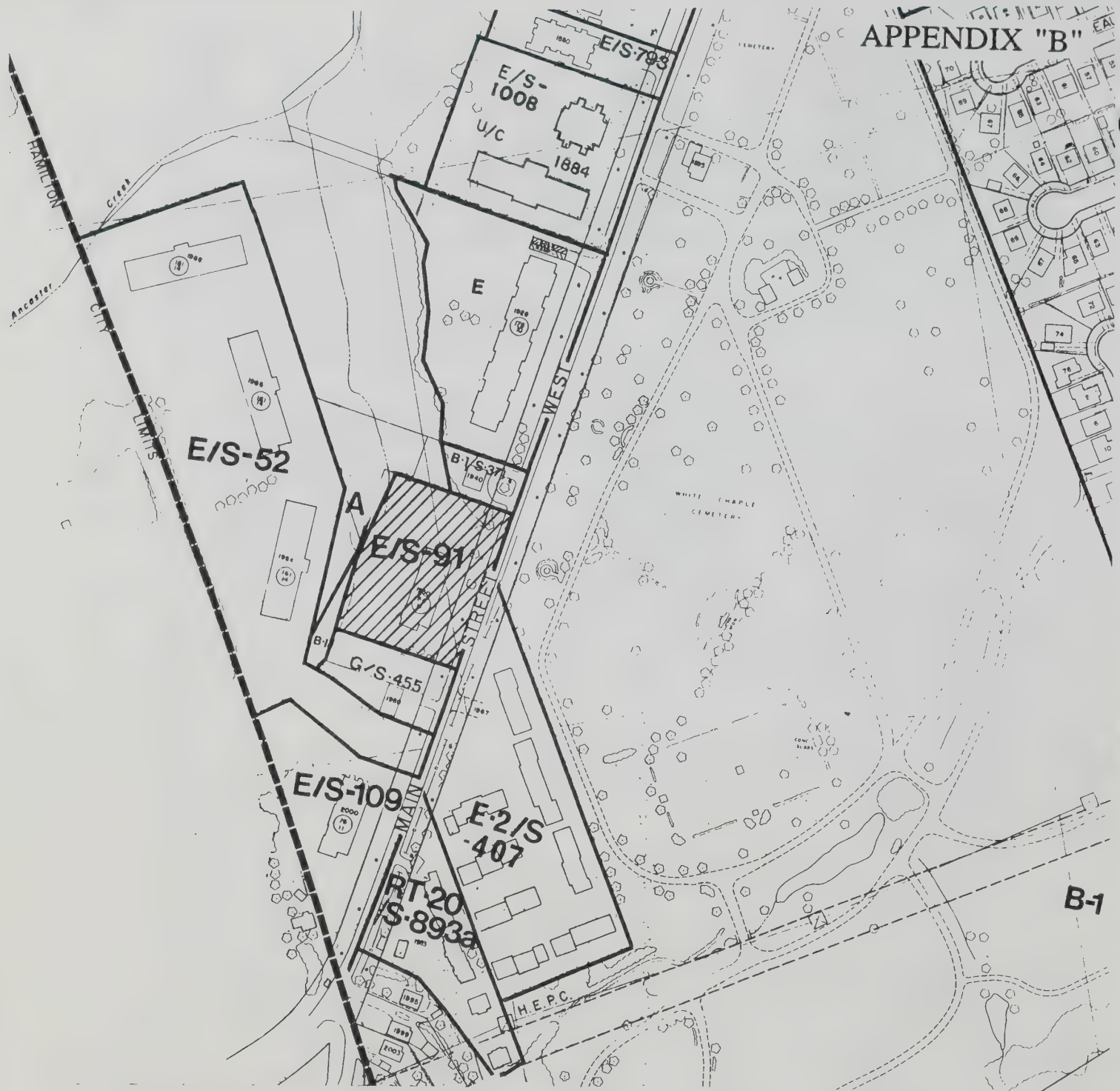
CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

n:/ke/cdm98008

APPENDIX "B"



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Reference File number
CDM-CONV-98-008

Date
July 1998

Drawn By
D.L.

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

APPENDIX "C"

- Feb 16/98 City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
- Mar 10/98 Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
- Mar 19/98 City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
- Mar 30/98 Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
- Apr 4/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- Apr 14/98 Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
- Apr 14/98 Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
- Apr 21/98 Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
- Apr 22/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
- May 5/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- May 14/98 Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
- May 14/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
- May 23/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

8f)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 15 1998

DATE: September 10, 1998
CDM-CONV-98-009
Ainslie Wood West Neighbourhood

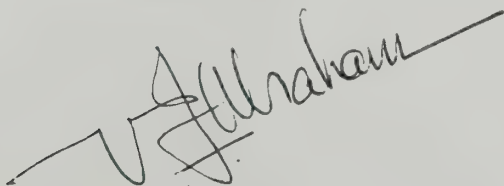
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 37-57 Mericourt Road

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-009 (Regional File 25CDM-98012), Gaspar & Silva Ltd., owner, to establish a draft plan of condominium located at 37-57 Mericourt Road, as shown on APPENDIX "A", be denied for the following reasons:
 - (i) the proposal is premature until such time the West End rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Gaspar & Silva Ltd., owner.

Surveyor:

Bryan Jacobs O.L.S., Consoli & Jacobs Surveying Ltd.

Location:

Known municipally as 37-57 Mericourt Road, the subject property is 0.53 ha in size and contains two 3-storey apartment structures constructed in 1958-59 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 66 unit rental residential apartment buildings to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 29 (2 Vacant)
Two-Bedroom	- 37 (8 vacant)
Total	- 66 (10 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:**1. Land Use Designation**

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 29, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

The subject lands are designated "Medium Density Apartments" in the approved Ainslie Wood West Neighbourhood Plan. The proposal does not conflict with the intent of the neighbourhood plan.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. This development consists of two, 33 unit multiple dwellings which were constructed in 1958-59.
2. The location of the buildings are legally established non-conforming.
3. The gross floor area and landscaped area are not indicated, but are legally established non-conforming if existing since construction.
4. The parking area, loading spaces and access driveways are legally established non-conforming if existing since construction."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "West Hamilton" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 5 - West End" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>West Hamilton</u>
October, 1996	2.45%	0.96%
October, 1997	3.51%	0.71%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>West Hamilton</u>
Pre-Conversion	3.51%	0.71%
Post-Conversion	3.48%	0.42%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>37-57 MeriCourt (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>West Hamilton (Oct/97)</u>
One-Bedroom	29	\$504	\$498	\$511
Two-Bedroom	<u>37</u>	\$571	\$603	\$609
Total	66			

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 37-57 Mericourt Road fails this test as the rental apartment vacancy rate within the West Hamilton local housing market zone as at October, 1997 was recorded at 0.71%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the West Hamilton local housing market zone since April, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the West Hamilton local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 0.71% to approximately 0.42%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. Twenty-nine (29) of the total 66 units within 37-57 Mericourt Road are one-bedroom units. The average market rent for the occupied units for these units is slightly above the City of Hamilton average and slightly below the West Hamilton local housing market zone average.

The remaining 37 units within the rental complex are two-bedroom units. The average market rent for the occupied units for these units is below both the City of Hamilton average and the West Hamilton local housing market zone average in the range of 5-6%. However, this range is not considered to be "significantly below" and as such the proposal satisfies this criteria.

Accordingly, the proposed conversion of the rental apartment building at 37-57 Mericourt Road to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 37-57 Mericourt Road. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) *the adequate provision of a full range of housing;"*

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the West End rental sub-market area, the last new rental apartment building constructed was started in June, 1994 at 101 Broadway Avenue (45 units - Municipal (Hamilton) Non-Profit Housing Corporation). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the West End (Zone 5) rental sub-market area was recorded at 0.71% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 0.96%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the West End sub-market area has not been at or above 2.0% since April, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the West End rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive, balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the West End rental sub-market area as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the West End sub-market area through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the West End rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
- 4) 893 Concession Street, Hamilton Mountain, 22 units;
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units (subject property).

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"INFORMATION"

- 1) Any works which may occur within the Main Street West road allowance or the Mericourt Road road allowance must conform to the respective Streets By-Laws.

RECOMMENDATIONS

- 1) that the applicant/owner enter into the appropriate agreements, as required, with the City of Hamilton to retain parking spaces 18 and 19 within the Mericourt Road road allowance.

The submitted plan as prepared by Bryan Jacobs, O.L.S. stamped with the date June 25, 1998 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised:

- "1. This development consists of two, 33 unit multiple dwellings which were constructed in 1958-59.
2. The location of the buildings are legally established non-conforming.
3. The gross floor area and landscaped area are not indicated, but are legally established non-conforming if existing since construction.
4. The parking area, loading spaces and access driveways are legally established non-conforming if existing since construction."

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the West End rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 0.71% in October, 1997 and 0.96% in October, 1996. Accordingly, until such time the rental housing marketplace in the West End rental sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 37-57 Mericourt Road would be premature.
2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the West End sub-market area since 1994. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the West End sub-market area since April, 1977, the removal of the rental apartment units at 37-57 Mericourt Road through the conversion to condominium would adversely affect the adequate provision of a full range of housing.

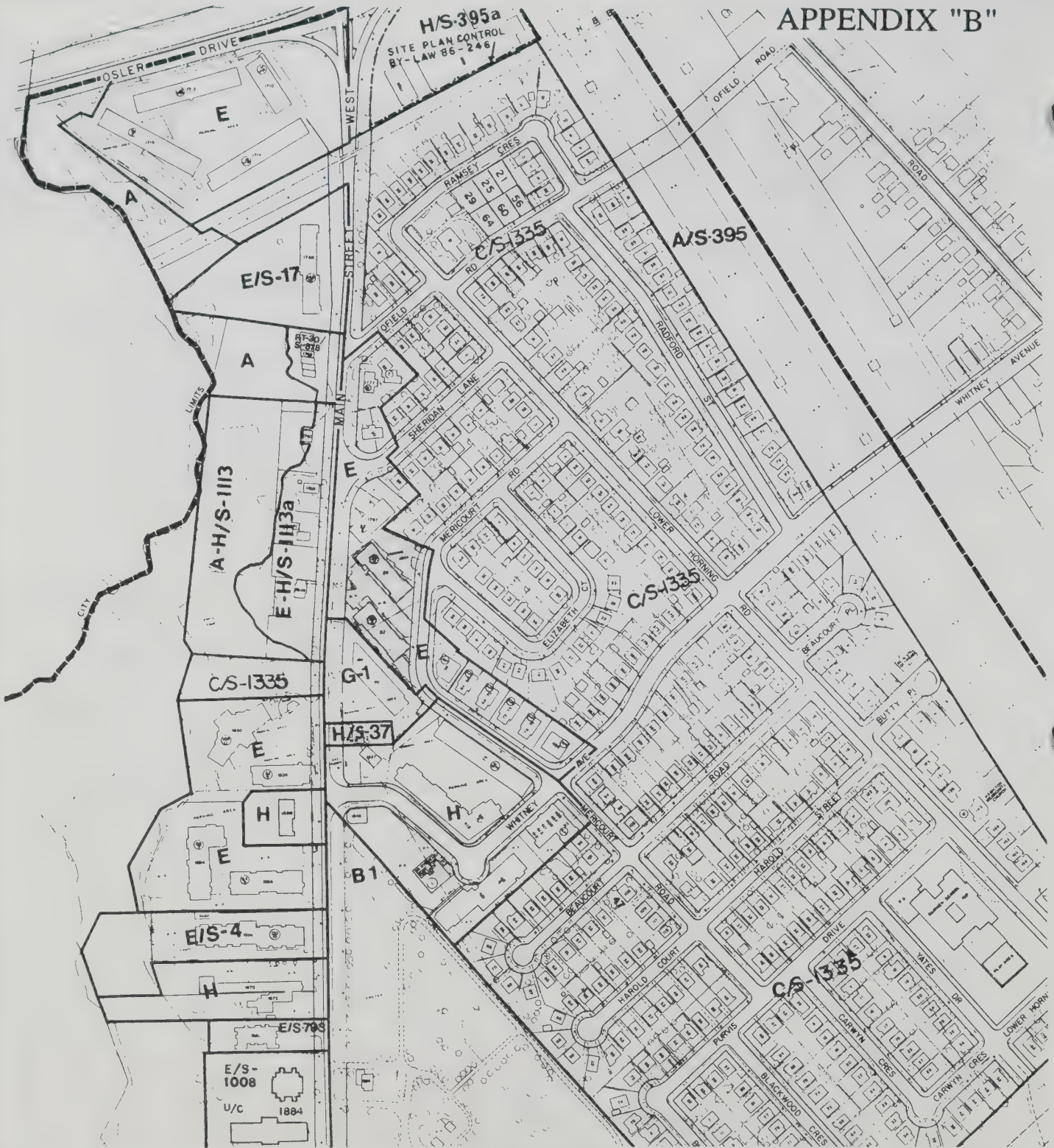
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 29, 1998) and does not conflict with the approved Ainslie Wood West Neighbourhood Plan.
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the West Hamilton local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the West Hamilton local housing market zone further below the 2.0% level.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

n:/ke/cdm98009



City of Hamilton
Location Plan For

37-57 Mericourt Rd.

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
July 1998

Reference File No.
CDM -CONV-98-009

Drawn By
R.L.

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

APPENDIX "C"

Feb 16/98	City Planning and Development Department staff begin review of the <u>Tenant Protection Act</u> in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
Mar 10/98	Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
Mar 19/98	City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
Mar 30/98	Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
Apr 4/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
Apr 14/98	Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
Apr 14/98	Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
Apr 21/98	Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
Apr 22/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
May 5/98	Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
May 14/98	Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
May 14/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
May 23/98	Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

89)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: September 10, 1998 SEP 15 1998
CDM-CONV-98-010
Raleigh Neighbourhood

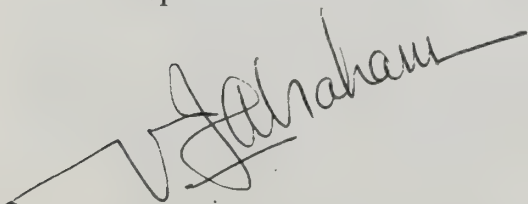
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 893 Concession Street

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-010 (Regional File 25CDM-98013), Lapa Investments Ltd., owner, to establish a draft plan of condominium located at 893 Concession Street, as shown on APPENDIX "A", be denied for the following reasons:
- (i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Lapa Investments Ltd., owner.

Surveyor:

M.J. Terry O.L.S., A.J. Clarke and Associates Ltd.

Location:

Known municipally as 893 Concession Street the subject property is 0.096 ha in size and contains a 4-storey apartment structure constructed in 1974 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 22 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 16 (2 vacant)
Two-Bedroom	- 6 (1 vacant)
Total	- 22 (3 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:**1. Land Use Designation**

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 30, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

There is no Neighbourhood Plan for the Raleigh Neighbourhood.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a twenty-one (21) unit multiple dwelling and one (1) medical office with a total of twenty-six (26) parking spaces contained within the building and at grade in the rear yard.
2. The proposed use of a twenty-two (22) unit multiple dwelling requires a minimum of twenty-eight (28) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m).

If the required parking and loading is not provided, Committee of Adjustment approval of variances is necessary."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) *the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) *the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) *the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "Hamilton Mountain" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Hamilton Mountain" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
October, 1996	2.45%	1.31%
October, 1997	3.51%	1.66%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
Pre-Conversion	3.51%	1.66%
Post-Conversion	3.50%	1.62%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>893 Concession (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>Hamilton Mountain (Oct/97)</u>
One-Bedroom	16	\$515	\$498	\$510
Two-Bedroom	6	\$645	\$603	\$611
Total	22			

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 893 Concession Street fails this test as the rental apartment vacancy rate within the Hamilton Mountain local housing market zone as at October, 1997 was recorded at 1.66%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the Hamilton Mountain local housing market zone since October, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the Hamilton Mountain local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 1.66% to approximately 1.61%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

Sixteen (16) of the 22 units within the apartment building at 893 Concession Street are one-bedroom units with the remainder being two-bedroom units. The average market rent for the occupied one and two bedroom units is above both the City of Hamilton average and Hamilton Mountain local housing market zone average. As a result, criteria (iii) has been satisfied as the average market rents at 893 Concession Street are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 893 Concession Street to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 893 Concession Street. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) *the adequate provision of a full range of housing;"*

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive or balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
- 4) 893 Concession Street, Hamilton Mountain, 22 units (subject property);
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"Recommendations:

None.

Information:

1. There is an existing Municipal sewer available to service this development directly.
2. There is an existing Municipal watermain adjacent to this development to service these lands directly.
3. There are no road widening required by the Region.
4. There is no Municipal share of services to be installed for this development.

The submitted plan, as prepared by A.J. Clarke and Associates Limited, signed by M.J. Terry and dated June 29, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised the following:

"COMMENTS:

1. The recognized use is a twenty-one (21) unit multiple dwelling and one (1) medical office with a total of twenty-six (26) parking spaces contained within the building and at grade in the rear yard.
2. The proposed use of a twenty-two (22) unit multiple dwelling requires a minimum of twenty-eight (28) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m).

If the required parking and loading is not provided, Committee of Adjustment approval of variances is necessary."

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 893 Concession Street would be premature.

2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 893 Concession Street through the conversion to condominium would adversely affect the adequate provision of a full range of housing.
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 30, 1998).
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

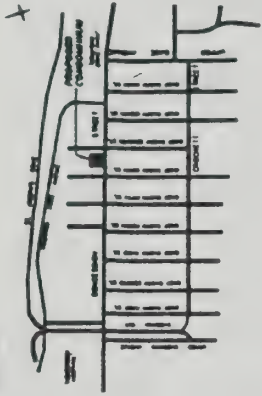
CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

n:/ke/cdm98010

KEY PLAN



DRAFT PLAN OF

White Condominium

UNDER A PREVIOUS CONDOMINIUM SURVEY
 REGISTERED PLAN NO. 610
 IN THE
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

M. J. TERRY O.L.S.

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

REMARKS: SHOWN ON THIS PLAN ARE THE UNIT AND LOT LINES AS THEY EXIST AND CAN BE CONVERTED TO THE LINES SHOWN BY THIS PLAN.

BY CHAPTER P-13 R.S.O. 1990 SECTION 61(2)

THE PLANNING ACT

- A. SHOWN ON THIS PLAN
- B. SHOWN ON THIS PLAN
- C. SHOWN ON THIS PLAN
- D. SHOWN ON THIS PLAN
- E. SHOWN ON THIS PLAN
- F. SHOWN ON THIS PLAN
- G. SHOWN ON THIS PLAN
- H. SHOWN ON THIS PLAN
- I. SHOWN ON THIS PLAN
- J. SHOWN ON THIS PLAN
- K. SHOWN ON THIS PLAN
- L. SHOWN ON THIS PLAN
- M. SHOWN ON THIS PLAN
- N. SHOWN ON THIS PLAN
- O. SHOWN ON THIS PLAN
- P. SHOWN ON THIS PLAN
- Q. SHOWN ON THIS PLAN
- R. SHOWN ON THIS PLAN
- S. SHOWN ON THIS PLAN
- T. SHOWN ON THIS PLAN
- U. SHOWN ON THIS PLAN
- V. SHOWN ON THIS PLAN
- W. SHOWN ON THIS PLAN
- X. SHOWN ON THIS PLAN
- Y. SHOWN ON THIS PLAN
- Z. SHOWN ON THIS PLAN

SURVIVOR'S CERTIFICATE

I, THE SURVIVOR, DO HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS IN THE SUBDIVISION AS SHOWN ON THIS PLAN ARE CORRECT AND ACCURATE AND THAT THE SAME ARE IN ACCORDANCE WITH THE PLANNING ACT AND THE CONDOMINIUM ACT.

SIGNED AND SEALED THIS 10th DAY OF MAY 1990

DATE

LAND USE SCHEDULE

TOTAL AREA OF BLOCK: 10.00
 TOTAL NUMBER OF LOTS: 10
 TOTAL NUMBER OF PAVING SPACES: 10

CONDOMINIUM DRAFT APPROVAL

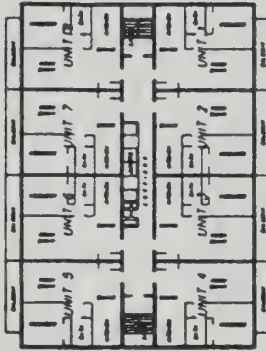
THIS DRAFT APPROVAL IS GIVEN BY THE REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH ON THE 10th DAY OF MAY 1990.

RECEIVED: MUNICIPALITY OF HAMILTON-WENTWORTH
 10th DAY OF MAY 1990

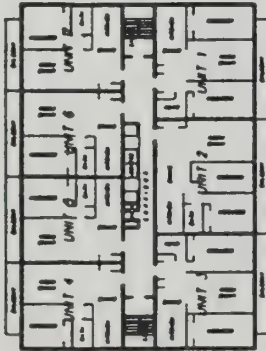
A. J. Clarke and Associates Ltd.

100-1000 BAYVIEW AVE. SUITE 100
 MARKHAM, ONTARIO L3R 9V7
 TEL: (905) 479-1100 FAX: (905) 479-1101

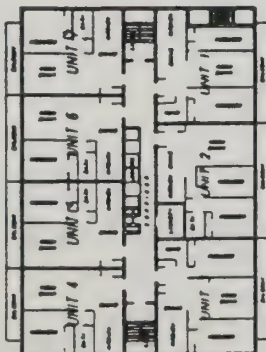
UNIT LAYOUT ON LEVEL 4
 (FLOOR PLAN)



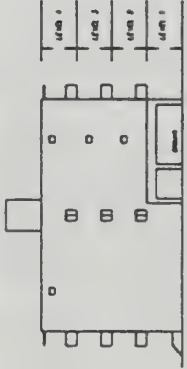
UNIT LAYOUT ON LEVEL 3
 (FLOOR PLAN)



UNIT LAYOUT ON LEVEL 2
 (FLOOR PLAN)

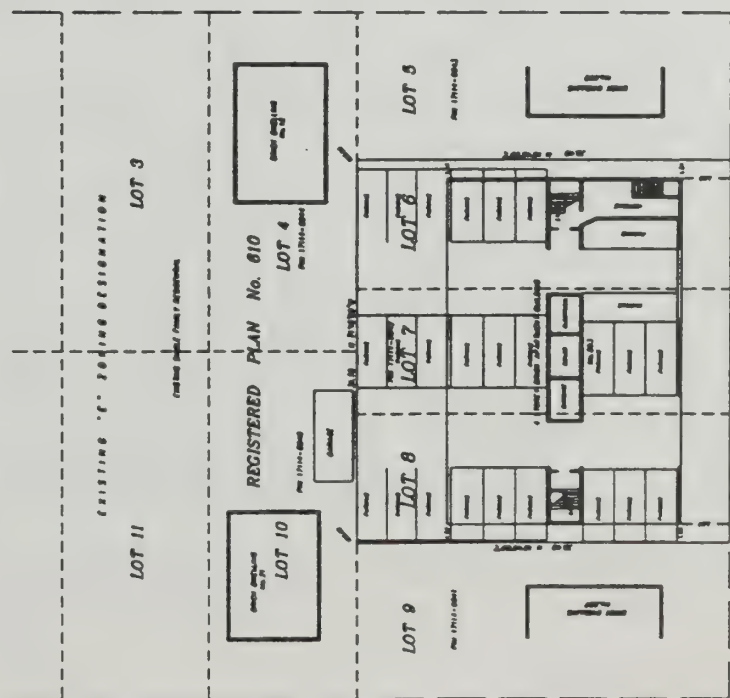


EAST ELEVATION TO ILLUSTRATE LEVELS



EAST 37th STREET

EAST 36th STREET

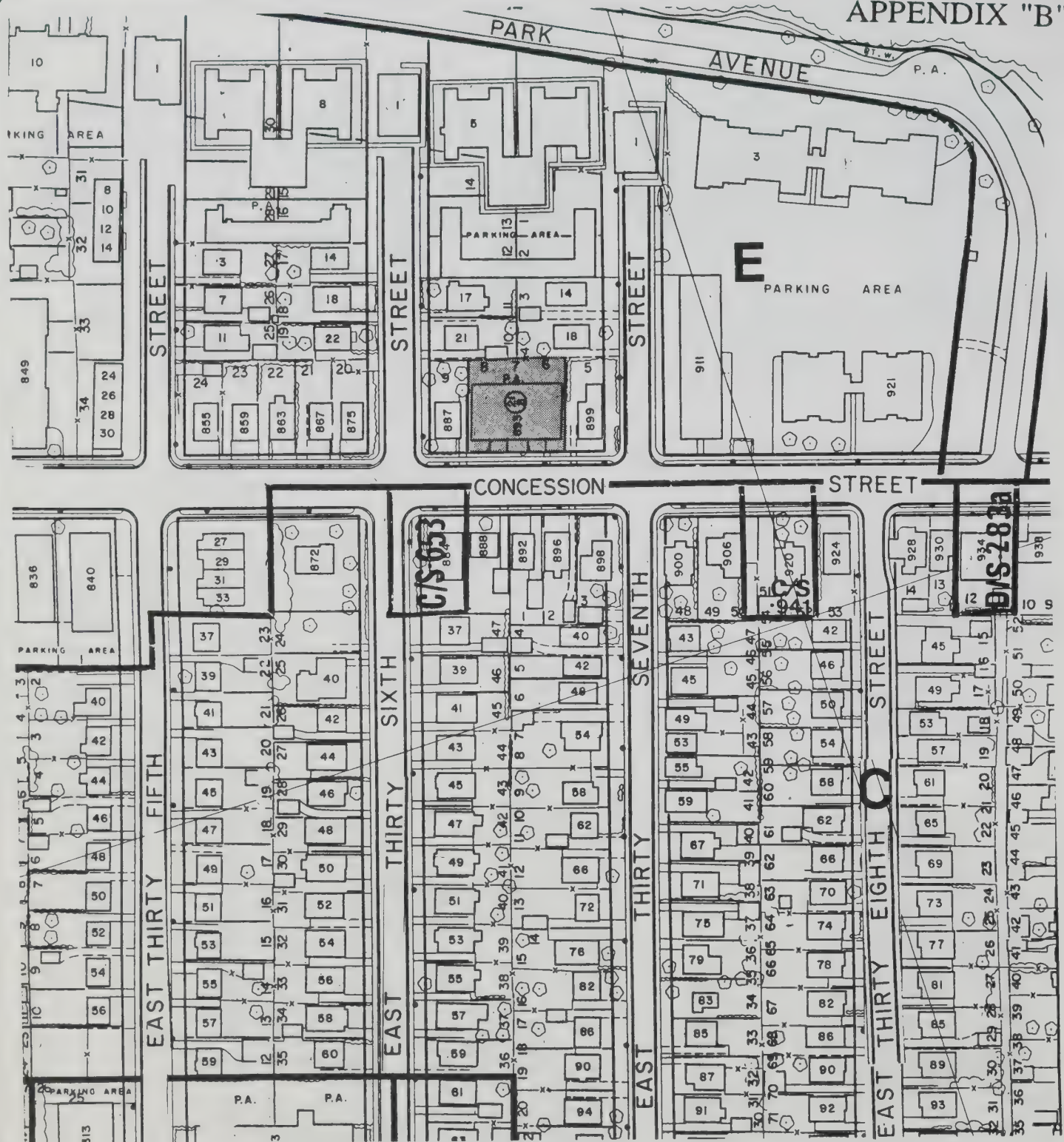


CONCRETE ROAD ALLOWANCE BETWEEN CONCRESS 3 AND 4

CONCRESSION STREET

250CDM-98013

APPENDIX "B"

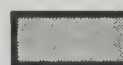


City of Hamilton
Location Plan For

893 Concession Street

Planning and Development Department

Legend



Location of Subject Lands

North



Scale

Not to Scale

Date

August 1998

Reference File No.
CDM-CONV-98-010
(25CDM-98013)

Drawn By

FAB

Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock

APPENDIX "C"

- Feb 16/98 City Planning and Development Department staff begin review of the Tenant Protection Act in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
- Mar 10/98 Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
- Mar 19/98 City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
- Mar 30/98 Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
- Apr 4/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- Apr 14/98 Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
- Apr 14/98 Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
- Apr 21/98 Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
- Apr 22/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
- May 5/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
- May 14/98 Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
- May 14/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
- May 23/98 Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

8h)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 September 15 SEP 15 1998
DA-98-23
Mohawk Neighbourhood

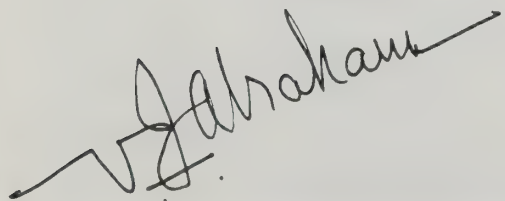
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mr. V.J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Site Plan Control Application DA-98-23 for a student residence and future tennis club/bubble complex for Mohawk College of Applied Arts and Technology at 135 Fennell Avenue West.

RECOMMENDATION:

- (a) That approval be given to Site Plan Control Application DA-98-23 by Mohawk College of Applied Arts and Technology, owner of lands known as 135 Fennell Avenue West, as shown on the attached map marked Appendix "A", to permit development of a 176 unit student residence and future tennis club/bubble complex subject to the following:
- (i) Modification to plans in relation to notes, dimensions, tree preservation, landscaping, etc., as marked in red on the plans.
 - (ii) Submission of a revised grading plan to the satisfaction of the Commissioner of the Regional Environment Department.
 - (iii) Final approval of Official Plan Amendment No. 147 and Zoning By-law No. 98-130.
 - (iv) All outstanding property taxes shall be paid in full, to the satisfaction of the City Treasurer.



FINANCIAL IMPLICATIONS:

N/A

BACKGROUND:Official Plan Amendment No. 147 and Zoning By-law No. 98-130

Official Plan Amendment No. 147 and Zoning By-law 98-130 were passed on April 28, 1998, to permit development of the subject lands (as shown on APPENDIX "A"), for a 250 unit student residence (maximum of 500 students) for Mohawk College of Applied Arts and Technology and a private tennis club. The development is proposed along Fennell Avenue, near the north/west corner of the college lands. Zoning By-law 98-130 allows for a possible future severance of the student residence parcel (2.55 ha) from the main college holdings (for financing purposes). To date, no application has been made for a severance. In either case, the student residence must be accessory to Mohawk College.

Two phases of development are proposed, Phase I containing a maximum of 180 units (360 students) and Phase II containing an additional maximum 70 units (140 students). The tennis club is permitted only in conjunction with Phase I. In addition, accessory uses are permitted within the proposed student residence building, including a fitness (wellness) centre with a maximum floor area of 270 m², 2 meeting rooms and a seminar room with a combined maximum floor area of 188 m².

The Official Plan Amendment and Zoning By-law have been appealed to the Ontario Municipal Board (OMB) and are awaiting a hearing date. A prehearing has been scheduled for October 6, 1998. The purpose of the prehearing is to narrow or settle issues, and decide on procedural matters.

Site Plan Application DA-98-23

Plans have been submitted for development of the first phase of the above-noted proposal, to develop the 2.55 ha parcel near the north/west corner of the college lands for a 176 unit student residence building and a potential tennis club/bubble facility. The Site Plan submission includes the westerly portion of Mohawk College's lands, including the 2.55 ha parcel of land where the student residence is proposed, as well as the rear parking areas (see APPENDIX "A"). The additional lands are included, since a landscape strategy submitted with the rezoning application provided additional buffering provisions throughout the westerly portion of the site. Although a future application may be made to sever the 2.55 ha student residence block from the main Mohawk College holding, it will continue to function as a single campus.

The Details of Development for the present proposal are as follows:

Net lot area:	2.55 ha -Student Residence Block 24.2 ha -Total Mohawk College Site
Gross Floor Area:	11,500 m ²
No. of parking spaces:	258 without tennis bubble 183 with tennis bubble
No. of loading spaces:	2
Landscape Area:	4,470 m ²
Building Height:	5 storeys (20.1 m)
Building Materials:	Brown field brick with beige accent brick and glass block stair enclosures.

Section 41(12) of the Planning Act provides for referral of a site plan to the OMB where a municipality fails to approve the plans or drawings within 30 days after submission of the application. On July 28, 1998, the applicant requested that Site Plan DA-98-23 be referred to the OMB, since a decision was not made within 30 days. If DA-98-23 has not been approved by the City when the OMB hears Official Plan Amendment 147 and Zoning By-law No. 98-130, they will likely hear the Site Plan simultaneously.

COMMENTS RECEIVED:

- The Building Department has advised the following:

- "1. The site specific by-law 98-130 is not final and binding.
2. The dimensions on the site plan of the parcel of land for the proposed student residence building is not the same as Block 1 of the site specific by-law.
3. No front yard setback has been shown on the site plan. The minimum required front yard setback is 19.0 m.
4. No dimensions have been indicated for the parking.
5. Every parking space must be 2.7m x 6.0m with a manoeuvring space aisle width of 6.0m. Also, the driveway width shall be indicated having a minimum 5.5m width or greater.
6. A 6.0m wide planting strip shall be provided along the southerly lot line of Block 2 and conform to the definition of a planting strip."

- The Regional Environment Department (Planning Division) advises:

"Conformity"

The above application conforms with the Hamilton Wentworth Official Plan.

Regional Comments: The subject lands are identified as "Urban Area", in the Hamilton-Wentworth Official Plan.

Provincial Comments: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Traffic Division of the Department of Public Works and Traffic advises that the application is satisfactory. The Forestry Division of the Department of Public Works and Traffic advises as follows:

"A site inspection of the above subject property revealed there to be no municipal tree conflicts or concerns for this proposed development. However all trees located on or adjacent to this project will require protection under an adequate tree preservation plan.

Please forward the attached copy of tree preservation techniques and By-law #92-155 respecting trees to the property owner to assist in the development of the required tree preservation plan.

Upon receiving the above mentioned tree preservation plan staff will review and comment accordingly prior to final project approval."

- The comments of the Regional Environment and Transportation Departments and Department of Public Transit are attached as Appendices "B" and "C", respectively.

COMMENTS:

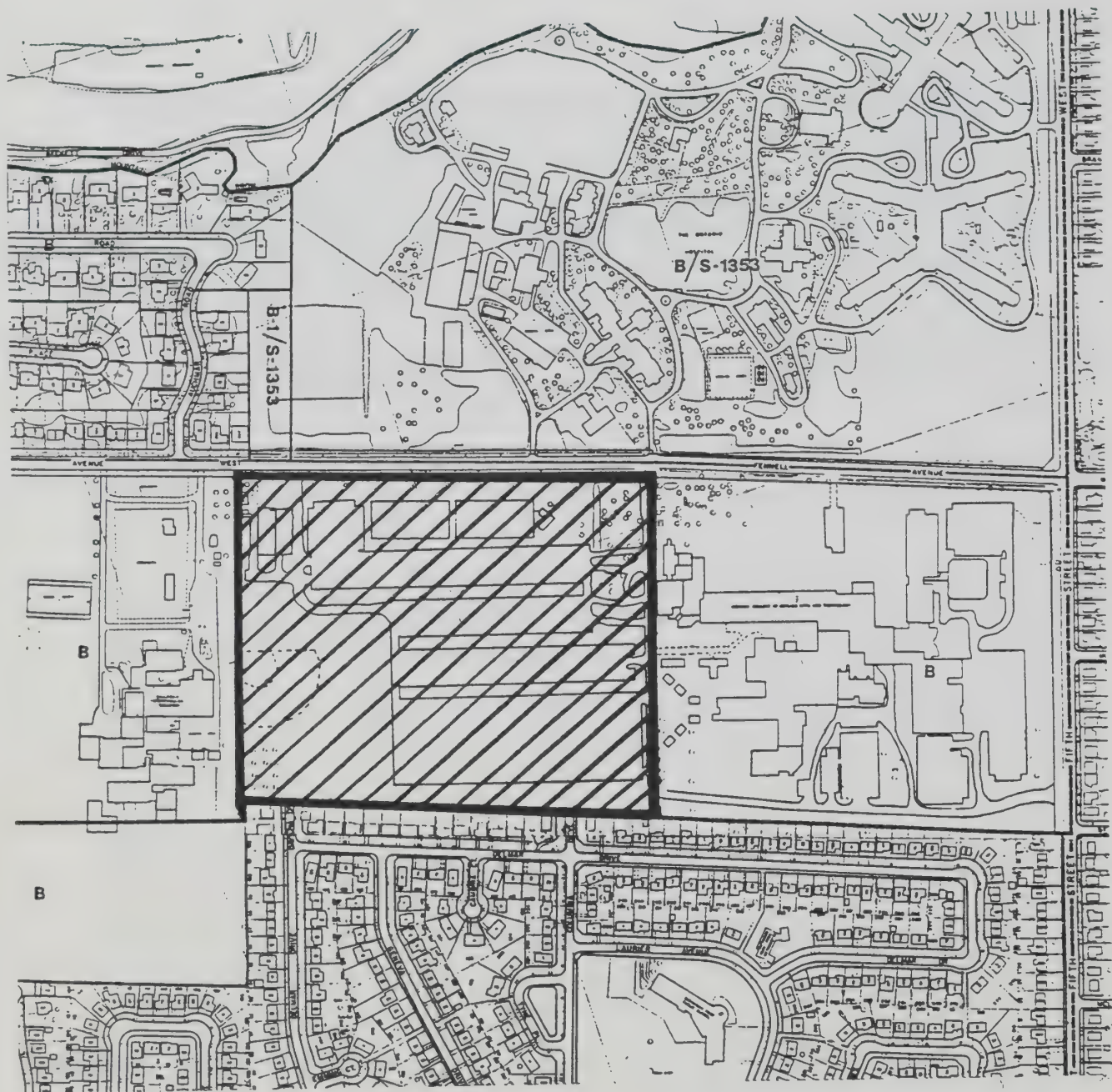
1. The applicant submitted revised plans on September 9, 1998, to address various staff comments. Modifications are required to the plans, as marked in red, related to notes, dimensions, tree preservation, landscaping, etc.
2. Approval of DA-98-23 should be conditional upon finalization of the associated Official Plan Amendment No. 147 and Zoning By-law 98-130. This will ensure that the Site Plan cannot be finalized if the OMB does not approve the Zoning and Official Plan Amendment.
3. The applicant has submitted a revised grading plan on September 9, 1998. The revised plan is yet to be reviewed by the Regional Environment Department. Therefore, approval

of the application should be subject to the submission of a grading plan to the satisfaction of the Commissioner of the Regional Environment Department.

4. The Site plan identifies a potential severance line for the student residence block. This severance is subject to approval of a future consent application by the City of Hamilton Committee of Adjustment. Should a future application for severance be made, mutual rights-of-ways over the parking areas and driveways should be required at that time.
5. According to the Treasury Department, there are outstanding realty taxes of \$3,541.87 applicable to the subject lands. These should be paid as a condition of approval.

Based on the foregoing, the application can be supported, subject to the red line revisions and conditions stated above.

CL-M



Legend



Site of the Application

City of Hamilton APPENDIX A Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Reference File No.
(DA-98-23)

Date
July, 1998

Drawn By
B. B.

REGIONAL ENVIRONMENT DEPARTMENT

JUL 9 1998

MEMORANDUM

TO: P. D. Mallard, M.C.I.P., R.P.P.
Division Head
Development and Urban Design

YOUR FILE: DA-98-23

FROM: C. A. Unelli, C.E.T.
Development Co-ordinator
Regional Environment Department

OUR FILE: E220-1304

PHONE: (905) 546-4142

SUBJECT: Site Plan Control Application DA-98-23 for DATE: 1998 July 9
135 Fennell Avenue West

The plan submitted dated June 19, 1998 will be approved with respect to grading when the following revisions have been dealt with.

- (1) All elevations on the plan must be to geodetic datum. The bench mark used to establish these elevations must be indicated on the plan.
- (2) A notation should be shown on the grading plan as to how the roof leaders of the proposed buildings are to discharge either directly to the storm sewers or overland.

Should the applicant/owner choose to discharge overland we will require a stormwater a stormwater management report prepared by a qualified Engineer, showing that this development will have no negative impact on the subject or abutting properties .

- (3) Proposed elevations should be provided at the base of the ramp (trench drain) and at the top of the ramp, adjacent to the walk, on the east end of the building.

Depending on the elevation difference between the ramp and the surrounding ground, ie. 0.60 m or greater, a fence or guard rail must be installed along the top of the ramp.

If a retaining wall is required to handle the difference in elevation between the top and bottom of the ramp, and if the wall is 1.0 m in height or greater a cross-section must be provided at that point.

Cont'd...

APPENDIX B

- Page 2 -
July 9, 1998

**Site Plan Control Application DA-98-23 for
135 Fennell Avenue West**

Cont'd...

- (4) The sodded area adjacent to the entrance area at the south west corner of the building is flat and should be modified to provide for a minimum 2.0 % slope, which is our standard.
- (5) If a swale is intended between the west end of the building and the existing chain link fence it should be clearly indicated on the plan with proposed invert elevations at the start, end and at a 15 m interval. A typical cross section through the swale should also be provided on the plan. Please note that our minimum allowable slope for sodded swales is 2.0 %.
- (6) Along the existing curb to remain, south side of the development, one of the proposed elevations is labelled as "T.C.ex. (197.36)". The remainder of the proposed top of curb elevations, however, do not include the "ex", which is assumed to represent existing and proposed elevations to remain. For clarity purposes please ensure that "ex" is included on all elevations which are existing and proposed, if appropriate.
- (7) Note # 1 under the "Notes on Grading Plan" should be modified to refer to the Commissioner, Regional Environment Department.

The applicant/owner should be advised that a copy of the servicing drawings (final design) must be submitted to the Region's Environment Department for review prior to sewer and water permit application.

In order to assist the applicant/owner with the preparation of the security as required under the Site Plan Agreement, we have attached a copy of a guideline for estimating security requirements. It should be noted that this guideline, only includes items specific to our Department's security requirements, and depending on the details of the development, securities for additional items may be added. Please note that the estimate must be stamped by a qualified professional engineer, architect or landscape architect.

Cont'd...

- Page 3 -
July 9, 1998

**Site Plan Control Application DA-98-23 for
135 Fennell Avenue West**

Cont'd...

The following comments were received from the Regional Transportation Department, Roads Division.

- (1) According to our records the Region has previously acquired all the required road allowance widenings adjacent to Fennell Avenue West and West 5th Street. Therefore we do not anticipate any further road allowance widenings at this time.
- (2) As noted in our memorandum on Zoning Application 97-28, further comments on the requirements for rights-of-ways, etc. will be submitted at such time as land severance applications as submitted for our review and comments.
- (3) We have reviewed this application on the basis that the existing grades and existing landscaping within 13 m of the Fennell Avenue West road allowance limits, as widened, will be maintained.
- (4) Any other works which may occur within the Fennell Avenue West road allowance must conform to the Region of Hamilton-Wentworth Roads Use By-law.

If there are any queries regarding the Roads Division comments, please contact Mr. H. Groen at 546-4278. Otherwise Mr. D. Waddell at 546-2434 will be able to respond to the grading and drainage issues.



Charles A. Unelli, C.E.T.
Development Co-ordinator

DWW:HG:dww
attach.

DWW

DEPARTMENT OF PUBLIC TRANSIT

M E M O R A N D U M

TO: Harold Groen, C.E.T.
Development Coordinator (Transportation)
Roads Department

FROM: Andrew McLaughlin
Planning Coordinator
Planning and Operational Design

PHONE: 528-4200, extension 417

SUBJECT: SITE PLAN CONTROL APPLICATION DATE: July 21, 1998
DA-98-23 Student Residence and Tennis Facility
135 Fennell Ave. W.

The above site plan has been reviewed with regard to transit concerns.

Transit service operates on Fennell Ave. and Governor's Blvd. No new routes are proposed in this area.

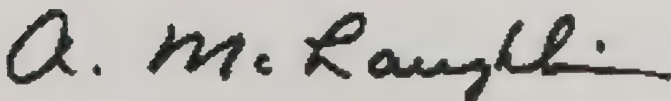
Route 33 will only operate on Fennell Ave. as of September 1998 and no longer operate on Governor's Blvd. Route 35 will continue to operate on Governor's Blvd. and on Fennell. The best accessibility to these routes is, and will continue to be focused in the area of Fennell and Governor's Blvd.

With the pedestrian activity focused in this area, there is a need to improve access to Governor's Blvd. The existing asphalt walkway perpendicular to Governor's Blvd. should be widened in order to better accommodate motorised mobility aids. The same walkway should have a curb-cut at Governor's Blvd. The provision of barrier free sidewalks/pathways to transit service is necessary for both able bodied and less mobile transit customers.

Lighting along both paths to the east of the proposed site should be provided for pedestrian safety. The provision of a secure and pleasant pedestrian environment encourages walking. Landscaping should be carefully designed to avoid dangerous situations. Whenever possible, walls, berms and steep slopes should be avoided.

To contribute to the ease of transit use, the building access should be reoriented closer to the Fennell & Governor's intersection. Due to the nature of this development it can be presumed that a large number of occupants will be transit dependent.

Thank you for circulating the HSR.



AM/bk

APPENDIX C

9.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 September 23

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the Special Meeting held 1998 August 5.

B. BUILDING COMMISSIONER

- (i) 221 Barton Street East - Commercial Property Improvement Loan Program
- (ii) 415 Barton Street East - Commercial Property Improvement Loan Program
- (iii) 419 Barton Street East- Commercial Property Improvement Loan Program
- (iv) 524 Barton Street East- Commercial Property Improvement Loan Program
- (v) 579-581 Barton Street East- Commercial Property Improvement Loan Program
- (vi) 810 Beach Boulevard - Hamilton Emergency Loan Program
- (vii) 364 Osborne Street - Demolition

C. DIRECTOR OF PLANNING AND DEVELOPMENT

- (i) Regional and Town of Flamborough Official Plan Amendments - Highway #5 and #6 (Clappison Corners)
- (ii) Proposed Draft Plan of Condominium CDM-98-04, "The Renoir", 50 Rice Avenue.
- (iii) Removal of Part-Lot Control for "Tiffany, Phase 2" subdivision for lands north of Redfern Avenue, west of Sanatorium Road and south of San Pedro Drive.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

A

Wednesday, 1998 August 5
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly

Also present: Alderman A. Horwath
Alderman C. Collins
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Nina Chapple, Planning and Development Department
Art Zuidema, Law Department
Hazel Milsome, Public Works and Traffic Department
Peter Lampman, Building Department
Stella Glover, Acting Secretary

PUBLIC MEETINGS – 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. Zoning Application 98-02, by Hussein Ghaddar, Prospective Owner, for a Further Modification to the "H" District, for Lands Located at 649 Upper James Street.

The Committee was in receipt of a report dated 1998 July 24 from the Director, Planning and Development Department, respecting the above-noted matter.

The Committee was also in receipt of written submissions from:

- (a) Connie and Jan Bier, 33 Fennell Avenue East #305, Hamilton
- (b) Myer Betel, 6 Tudor Gate, North York

Paul Mallard, of the Planning and Development Department, circulated a revised recommendation and addressed the Report.

Of 500 notices sent out, 16 responded in favour and 20 opposed.

Amy Rolfe, the Manager of Mountain Plaza Mall advised that the merchants were opposed to the proposed changes which would further congest parking.

Myer Betel, a lawyer on behalf of four neighbouring properties, attended and addressed his written request for an adjournment of this matter. He stated that the property had been an eyesore in the past but that he would like an opportunity for his own planner to look at the proposal and that he had concerns with regard to the marketing value of the property. The proponent, Mr. Hussein Gaddar, said he was in agreement with the Planning Department recommendation. He pointed out that the development would be a convenience store and he did not feel therefore that traffic would be impacted or that his

business was a threat to other merchants in the area. He stated that his intent was for a nice-looking building which would clean up the corner.

After discussion, it was pointed out that the Committee's decision would be forwarded to a special Council meeting which was scheduled to take place immediately after the Planning and Development Committee meeting.

After consideration, the Committee recommended to Council as follows:

That approval be given to Amended Zoning Application ZAC-98-02, 1135193 Ontario Inc. (Hussein Ghaddar), prospective owner, requesting a change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "1") and from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding) District, modified (Block "2") to permit additional commercial uses, for property located at 649 Upper James Street, as shown on the attached map marked as Appendix "A", on the following basis:

- (a) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed Zoning District the holding provision will prohibit the development of the subject lands until such time as the owner submits a Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE), to the satisfaction of the Region, including an acknowledgement of receipt of the RSC from the MOE.

City Council may remove the 'H' symbol, and thereby give effect to the rezoning and modified provision as stipulated in this By-law, by enactment of an amending By-law once the condition is fulfilled; and,

- (b) That Block "1" be rezoned from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District; and,
- (c) That Block "2" be rezoned from "H" (Community Shopping and Commercial, etc.) District to "H" - 'H' (Community Shopping and Commercial, etc. - Holding District; and,
- (d) That the "H" (Community Shopping and Commercial, etc.) District provisions, as contained in Section 14 of Zoning By-law No. 6593, applicable to Blocks "1" and "2", be modified as follows:
 - 1) That notwithstanding Section 14(1) of Zoning By-law No. 6593, a restaurant will not be permitted;
 - 2) A minimum 1.5 m wide planting strip shall be provided and maintained along the southerly lot line except for an access driveway;
 - 3) A minimum 3.0 m wide planting strip shall be provided and maintained along the westerly lot line except for an access driveway;"
- (e) That the amending By-law be added to Section 19B of Zoning By-law No. 6598 as Section S-1409, and that the subject lands on Zoning District Map E-7 be notated S-1409; and,
- (f) That By-law No. 70-42, applicable to the subject lands be repealed; and,
- (g) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-7 for presentation to City Council; and,
- (h) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.

**** Alderman Copps and Alderman Corsini were recorded as opposed to this recommendation.**

2. **Zoning Application 98-21, by 1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharman), Prospective Owner, for a Modification to the Established "C" District for Lands Located East of Greenhill Avenue, West of Webster Road and North of the Existing Railway Line.**
-

The Committee was in receipt of a report dated 1998 July 29 from the Director, Planning and Development Department, respecting the above-noted matter together with two written submissions from Ronald Jaffray, 568 Hager Avenue, Burlington, L7S 1P5.

Paul Mallard addressed the report and stated that of 145 notices sent out, eight had been received in favour and four opposed.

The proponent of the project, M. Sharman, stated that he was in favour of the recommendation.

Mr. Ronald Jaffray, 568 Hager Avenue, Burlington, attended and referred to his written submissions. He stated that he was an executor of his mother's estate on behalf of her heirs and expressed concern at the alignment of the road to the south and the encroachment on his late mother's property.

Paul Mallard explained that Mr. Jaffray's concerns regarding the hydro lines had been accommodated by re-routing around the property and that the subject proposal should in no way affect Mr. Jaffrey's property.

Alderman Eisenberger instructed staff to meet with the Ward Aldermen and Mr. Jaffray to address his concerns before the final draft plan of subdivision is approved.

The Committee then recommended to Council as follows:

- (a) That approval be given to Amended Zoning Application ZAR-98-21, 1263674 Ontario Inc. and 1280788 Ontario Inc. (M. Sharma), owner, for a modification to the established "C" (Urban Protected Residential, etc.) District, for lands located east of Greenhill Avenue, west of Webster Road and north of the existing railway line in the Nash Orchards Heights South draft approved plan of subdivision, as shown on the attached map marked as Appendix "B", on the following basis:
 - (i) That the "C" (Urban Protected Residential, etc.) District regulations as contained in Section 9 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following variances, as special requirements:
 - (1) That notwithstanding Section 2.(6) and Section 9.(3)(ii) of Zoning By-law No. 6593, only a portion of one required side yard having a width of not less than 0.60 metres that abuts the wall of an attached garage shall be permitted, except that:
 - (a) in the case of a corner lot, a side yard having a flankage width of not less than 1.2 metres shall be provided and maintained; and,
 - (b) where a side yard abuts any other residential district, a side yard of 1.2 metres shall be provided and maintained; and,
- (b) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1410, and that the subject lands on Zoning District Map E-18 be notated S-1410; and,

- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18 for presentation to City Council; and,
- (d) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning Area; and,
- (e) That the City Solicitor be directed to provide for the establishment of maintenance easements for all lots with 0.60 m sideyard setbacks by the developer as part of the City of Hamilton Subdivision Agreement which is required as a condition of draft plan approval for the "Nash Orchards Heights South" subdivision.

* Alderman G. Copps was recorded as opposed to this recommendation.

3. Zoning Application 98-23 and Official Plan Amendment by FDJ Holdings Inc., Owner, for Lands Located South of Barton Street East, West of Centennial Parkway and North of Eastgate Court Located at the Rear of 2420-2434 Barton Street East.

The Committee was in receipt of a report dated 1998 July 22 from the Director, Planning and Development Department, respecting the above-noted matter. The Committee was also in receipt of a written submission from Truman Jess, President, Truwan Holdings Limited, 163 Centennial Parkway North, Suite 401, Hamilton, L8E 1H8.

Paul Mallard addressed the report and stated that of 125 notices sent out, four had been received in favour and 11 opposed.

The proponent of the proposal was in attendance and agreed with the Planning and Development Department recommendation.

Milo Mariella, 66 Fairington Crescent, attended and presented a petition on behalf of local residents. He requested that the Planning and Development Committee reconsider the application as the residents of the community were already overburdened with traffic problems and felt that this would only worsen the situation.

Tullia O'Brien, 131 Fairington Crescent agreed with Mr. Mariella's concerns and further expressed concern with regard to unsightliness and increased noise from the development.

David Tudo, 134 Fairington Crescent and Michele Mariella, 64 Village Drive, both spoke against the proposal and agreed with the comments of the previous objectors.

The proponent of the development stated that, in his opinion, the parking would not be a problem and that the development would clean up the area.

Alderman Eisenberger asked if single family homes had been considered for the site and suggested tabling the matter until the next meeting in order to address the concerns of the residents and receive more information regarding the impact of additional properties in this area. He asked that staff reports be made available at that time and that the odour problems from the sanitation yard be addressed.

After consideration, the Committee agreed to table this matter until the September Planning and Development Committee meeting.

The Ward Aldermen suggested calling a meeting between themselves, the residents and the proponents of the proposed development of which everyone is to be notified.

4. Zoning Application 98-20, by Hampshire Properties, Owner, for a Change in Zoning From "C" District to "R-4" (Block "1") and "R-4" District Modified (Block "2") for Lands Located North of Stone Church Road East and East of Upper James Street.

The Committee was in receipt of a report dated 1998 July 24 from the Director, Planning and Development Department, respecting the above-noted matter. The Committee was also in receipt of written submissions from Robert C. and Mary Lou Dickson, 111 Stone Church Road East, Hamilton, L9B 1A8; John D. Thornton, 27 Stone Church Road East, Hamilton, L9B 1A8 and Nick Finelli, 28 Chipman Avenue, Hamilton.

Paul Mallard addressed the report and the revised recommendation which had been submitted and stated that of 76 notices sent out, five had been received in favour and nine opposed.

The proponent of the development stated that he was in agreement with the recommendations of the report.

No members of the public wished to speak on this matter.

Alderman Kelly suggested that a study of the density on Stone Church Road and Upper James Street be carried out.

After discussion, the Committee agreed to recommend to Council as follows:

That approval be given to Amended Zoning Application ZAC-98-20, Hampshire Properties Limited, owner, requesting a change in zoning from "C" (Urban Protected Residential, etc.) District to "R-4" (Small Lot Single Family subject lands on Zoning Distr

- (e) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-9C for presentation to City Council; and,
- (f) That the proposed changes in zoning are in conformity with the Official Plan for the City of Hamilton Planning Area.

5. Downtown Hamilton Community Improvement Plan Amendments – Downtown Loan/Grant Programs

The Committee was in receipt of a report dated 1998 July 14 from the Commissioner of the Public Works and Traffic Department respecting the above-noted matter. The Committee recommended to Council as follows:

- (a) That Appendix 'A' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Hamilton Downtown Convert/Renovate-to-Rent Loan Program, be repealed and replaced with Appendix "D" attached; and,
- (b) That Schedule 'C' to the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140, that describes the terms of the Gore Heritage 2000 Program be repealed and replaced with Appendix "E", attached; and,
- (c) That Section 9 of the Downtown Hamilton Community Improvement Plan adopted by By-law 97-140 be amended by the addition of the wording shown on Appendix "F", attached; and,
- (d) That the amendments to the Downtown Hamilton Community Improvement Plan be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
- (e) That the City Solicitor be authorized to prepare the requisite By-law for (a), (b) and (c) above.

6. Amendments to Community Improvement Plans to Implement Revised Criteria to the Commercial Property Improvement Loan Program.

As recommended in a report dated 1998 July 16 from the Commissioner of Public Works and Traffic Department, the Committee recommended to Council as follows:

- (a) That the following Community Improvement Plans be amended to incorporate the Tenant Loan/Grant Component of the Commercial Property Improvement Loan Program described in the criteria attached as Appendixes "G", "H" and "I" accordingly:
 - (i) The Concession Street Community Improvement Plan;
 - (ii) The Downtown Hamilton Community Improvement Plan;
 - (iii) The Downtown Hamilton B.I.A. Community Improvement Plan;
 - (iv) The International Village Community Improvement Plan;
 - (v) The Main Street West Community Improvement Plan;
 - (vi) The Ottawa Street Community Improvement Plan;
 - (vii) The Westdale Village Community Improvement Plan;
 - (viii) The Barton General Community Improvement Plan; and,
 - (ix) The Barton Village Community Improvement Plan.
- (b) That the above Community Improvement Plans be amended to reduce the interest rate to zero percent if the borrower makes all the payments of the principal of the loan. If the borrower defaults the interest rate shall be the rate charged on tax arrears, under Bylaw No. 94-189; and,

- (c) That the amendments to the above Community Improvement Plans be submitted to the Ministry of Municipal Affairs and Housing for the appropriate approval; and,
- (d) That the City Solicitor be authorized to prepare the requisite By-law for (a) and (b) above.

7. DIRECTOR OF PLANNING AND DEVELOPMENT

Urban Entertainment Centre – Proposal Review Process

As recommended in a report dated 1998 July 29 from the Director of the Planning and Development Department and the Chief Administrative Officer, the Committee approved the following:

- (a) That the following review process be established for the proposals received for the Entertainment Centre:
 - (i) A Special Committee consisting of the Mayor, the Chairmen of the Planning and Development Committee and the Finance and Administration Committee, and the two Ward 2 Aldermen, chaired by the Planning and Development Committee Chairman, be struck to oversee the review of the proposals and to make a recommendation to Council regarding the proposals;
 - (ii) A staff team consisting of the Chief Administrative Officer plus staff from: Planning and Development, Treasury, and Law Departments and the Regional Economic Development and co-ordinated by the Planning and Development Department, be directed to report to the Special Committee regarding the implications of the proposals,
- (b) That the review process include consultation with the Downtown Partnership.

The Committee agreed that all members of City Council be notified when a meeting is held with regard to the above.

8. CONSENT AGENDA

A. ADOPTION OF MINUTES

The minutes of the meeting held 1998 July 8 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL

B. LOCAL ARCHITECTURAL CONSERVATION ADVISORY COMMITTEE

- (i) **18 Chilton Place (Durand-Markland Heritage Conservation District)**
Application for Heritage Permit, dated 1998 July 28:

That a Heritage Permit be approved for the alterations proposed by the owner of 18 Chilton Place, as identified in the elevation drawings dated June 1998 attached hereto and marked as Appendix "J", with the condition that the extension of the front living room window down through the sill course not be included in the Heritage Permit.

- (ii) **712 Main Street East, Hamilton Regional Indian Centre (St. Clair Avenue Heritage Conservation District) – Application for Heritage Permit, dated 1998 July 28:**

That a Heritage Permit be approved for the alterations to the roofline at 712 Main Street East, Hamilton Regional Indian Centre, as referenced in McCallum Sather Architects Inc.'s Drawing No. A3 dated 1998 May, attached hereto and marked as Appendix "K".

- (iii) **252 James Street South (Designated Under Ontario Heritage Act) - Application for Heritage Permit, dated 1998 July 28:**

That notwithstanding the Local Architectural Conservation Advisory Committee's preference that the columns erected at 252 James Street South be removed to protect the architectural integrity of the building, that a Heritage Permit for the erection of columns and a canopy at 252 James Street South be approved based on the proposal received on 1998 June 24 attached hereto and marked as Appendix "L", under the following conditions:

- (a) that a Building Permit is issued for the proposal; and,
- (b) that the canopy is not attached to the building; and,
- (c) that an application for approval of a Heritage Permit be made at the time when the canopy is in need of replacement.

9. **ADJOURNMENT**

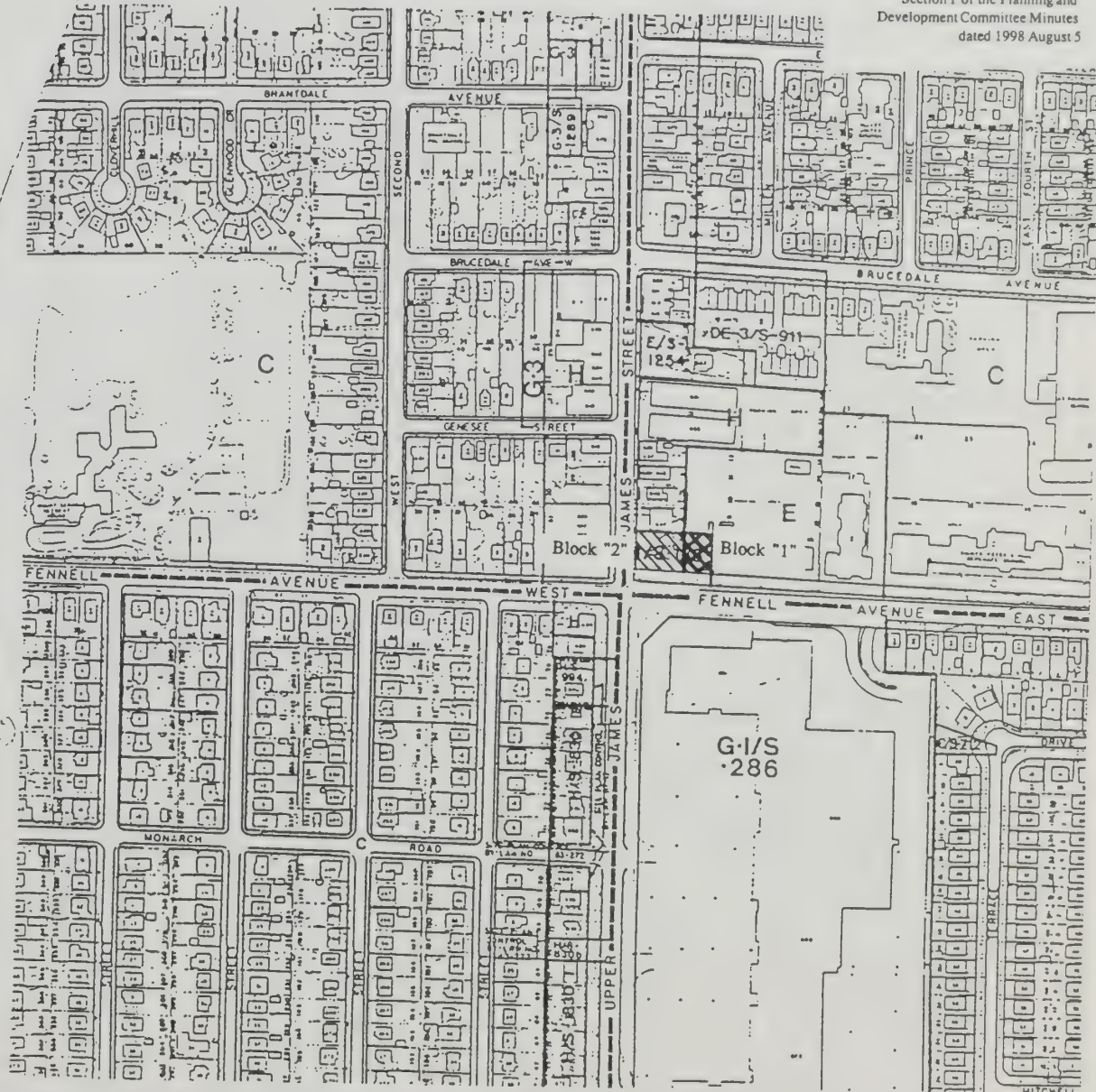
There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico
Chairperson
Planning and Development Committee

Stella Glover
Acting Secretary

/jt

Appendix "A" as referred to in
Section 1 of the Planning and
Development Committee Minutes
dated 1998 August 5



Legend



Block "1" - Change in zoning from "E" (Multiple Dwellings, Lodges, Clubs, etc.) District to "H" - "H" (Community Shopping and Commercial, etc. - Holding) District



Block "2" - Change in zoning from "H" (Community Shopping and Commercial, etc.) District to "H" - "H" (Community Shopping and Commercial, etc. - Holding) District

City of Hamilton

Location Map

Planning and Development Department

North



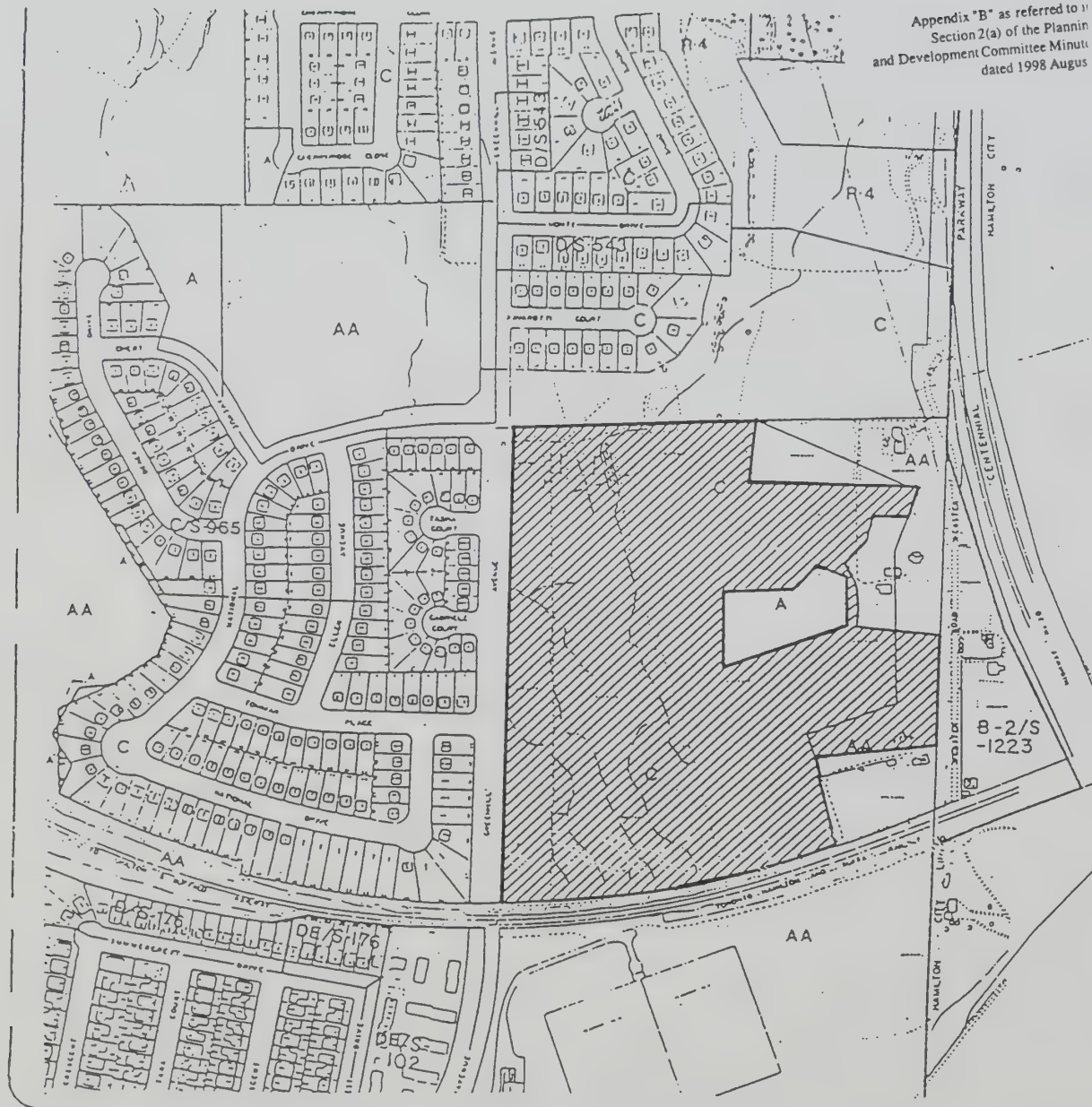
Scale
NOT TO SCALE

Date
January, 1998

Reference File No.
ZAC-98-02

Drawn By
R.L.

Appendix "B" as referred to in
Section 2(a) of the Planning
and Development Committee Minutes
dated 1998 August



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



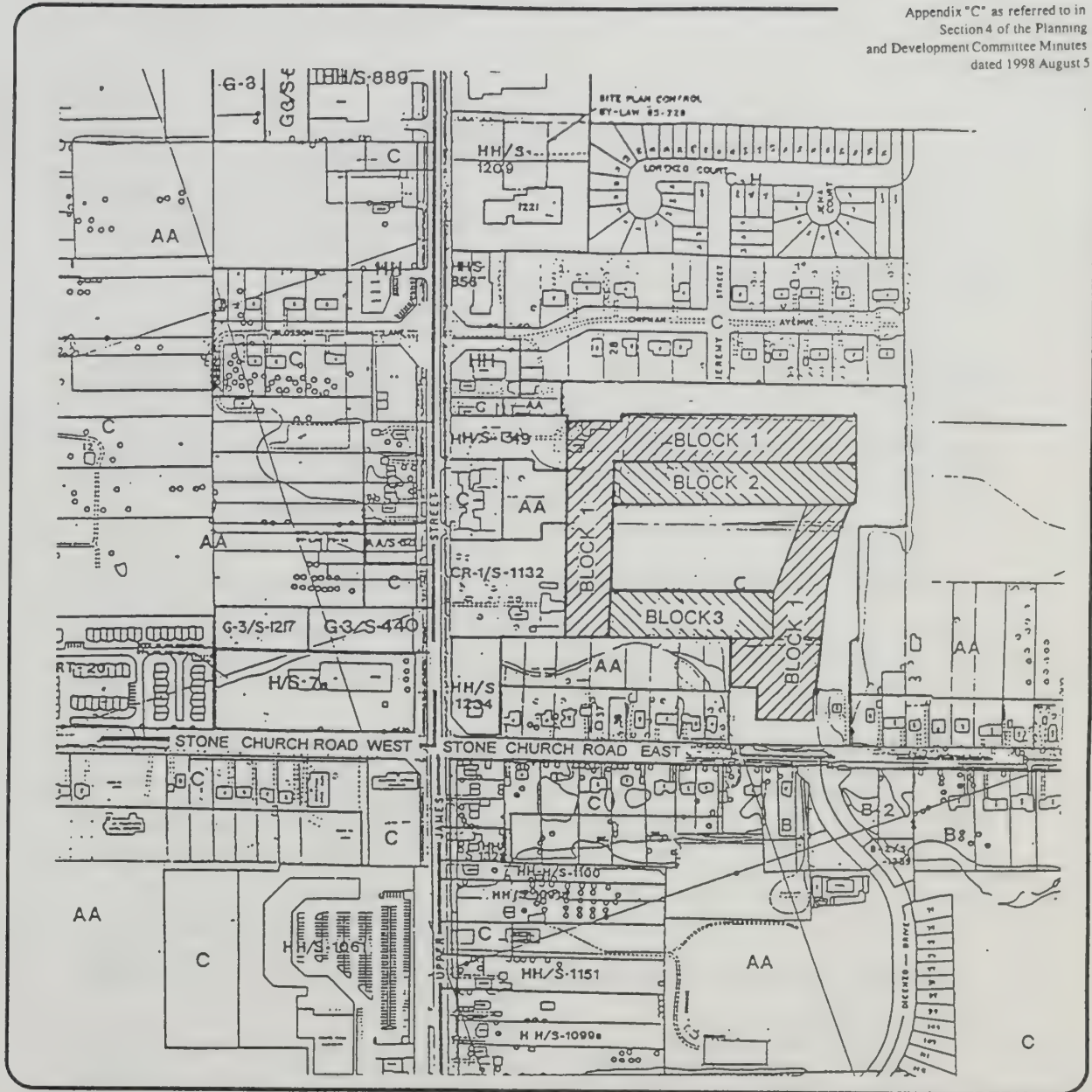
Scale
NOT TO SCALE

Date
May 1998

Reference File No.
ZAR-98-21

Drawn By
D.L.

Appendix "C" as referred to in
Section 4 of the Planning
and Development Committee Minutes
dated 1998 August 5

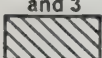


Legend



BLOCK 1
Change in zoning from "C" (Urban Protected Residential) District to "R-4" (Small Lot Single Family) District.

BLOCKS 2 and 3

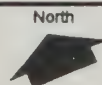


Change in zoning from "C" (Urban Protected Residential) District. To "R-4" (Small Lot Single Family Dwelling) District, modified.

City of Hamilton

Location Map

Planning and Development Department



Scale
NOT TO SCALE

Reference File number
ZAC-98-20 Amended

Date
July 1998

Drawn By
FAB

**Summary of Terms of Hamilton Downtown
Convert/Renovate to Residential Program**

Appendix "D" as referred to in
Section 5(a) of the Planning and
Development Committee Minutes
dated 1998 August 5

Lender:	The Corporation of the City of Hamilton.
Duration of loan program:	Until terminated by Council
Loan interest rate:	Zero interest.
Interest on arrears:	13% per annum or such tax arrears interest rate established by Council.
Maximum loan term:	Ten years (subject to prior termination on default). Principal repayable in monthly amounts over 120 months.
Maximum loan:	The lesser of cost or \$12,000 per unit maximum for units 600 sq ft or less. Unit size in excess of 600 sq ft, per unit, qualifies for additional assistance at the rate of \$20 per sq ft to a maximum of \$20,000. Loans are for a maximum of 8 units per deeded property.
Purpose of loan:	Costs of converting upper floors of commercial buildings into apartments or renovations to bring existing apartments into compliance with the Property Standards By-law and Fire Code. The existing apartments must be in commercial buildings.
Security:	Promissory Note and lien on property being improved and/or a collateral mortgage on other property subject to City's minimum equity requirement.
Minimum equity requirement:	Owner shall have not less than 25% equity in the appraised value of the property offered as security, including value of alterations being financed.
Realty taxes:	In good standing at all times.
Eligible costs:	All costs associated with the conversion or renovations to be borne by the applicant including construction, design, appraisal, legal, registration fees. City retains right to assess reasonableness of costs and which costs are eligible for program.
Sale or refinancing of property:	Due in full.
Except as provided above, subject to City's usual lending criteria.	

GORE HERITAGE 2000 PROGRAM

PART A: RESTORE THE BUILDING FACADES

Purpose: To transform the public image of the Gore from an ailing inner core into a vibrant, renewed heart of the city through the restoration of its rich and genuinely historic architectural streetscape.

Eligible Work: Restoration of the historic facades includes repointing of masonry, repair or replication of the original cornice, windows, and decorative features such as window lintels, finials, cresting, etc., as well as the removal of unauthentic building facing, in accordance with the basic principles of heritage conservation and building improvement established in the Gore Heritage Design Study, approved by Council and "Guidelines for Heritage Conservation in the Gore".

PART B: IMPROVE THE QUALITY OF THE STOREFRONT DESIGN

Purpose: To attract pedestrians and businesses by making the Gore an animated, lively busy place again. Improve storefronts to make them attractive and appealing and restore original historic storefronts, where feasible.

Eligible Work: Improvement to Storefront Design includes restoring large display windows, repairs to baseboards, transom windows, original columns and entrances, secondary doors, in accordance with the basic principles identified in the Gore Heritage Design Study. Included as eligible costs are the design, production and installation of canopies, in accordance with the established guidelines and any by-law requirements which determine a minimum height, a standard width of projection and traditional location on the front facade.

PART C: IMPROVE THE QUALITY OF THE COMMERCIAL SIGNAGE

Purpose: To create downtown commercial signage that animates and enlivens the core and at the same time enhances the architectural quality of the buildings. Regain the special character of the Gore by making signs legible and appropriate to their host building and replacing excessively over-sized signage.

Eligible Work: Included in this category are the design, production and installation of commercial signage which is in accordance with the principles of good signage found in the Gore Heritage Design Study and the Signage Guidelines for the Gore. Design of the signage should fit the character of the host building.

SUMMARY OF TERMS OF THE GORE HERITAGE 2000 PROGRAM

- | | | |
|-----|-------------------------------------|--|
| (a) | Grantor | The Corporation of the City of Hamilton. |
| (b) | Initial Grant Capital | \$200,000 City funds. |
| (c) | Type of Program | Matching Grant Program. |
| (d) | Maximum Grant | \$20,000 per property; properties with a frontage of more than 40 foot will be eligible for a matching grant of \$500 per foot to a maximum of \$75,000. |
| (e) | Eligible Applicants | Owners and tenants of a property located within the Gore Area, on King Street East between James Street and Catharine Street which is designated under the Ontario Heritage Act or listed on the Inventory of Buildings of Architectural and/or Historical Interest. Tenants must have permission of the property owner to make changes to a building. |
| (f) | Purpose of Grant | To create a new image of the Gore through a heritage building facade improvement program. The Gore, by virtue of its economic and social importance to the health, image and sustainability of the City, is considered a top priority of downtown revitalization. |
| (g) | Realty Taxes | In good standing at all times. |
| (h) | Eligible Costs | The matching grants can be applied to heritage facade restoration as well as improvement to storefronts and signage, based on the principles established in the <u>Gore Heritage Design Study</u> . |
| (i) | Additional Eligible Programs | The Gore Heritage 2000 Program may be used in conjunction with other funding programs, such as the Hamilton Downtown Convert/Renovate-to-Residential Loan Program, the Commercial Property Improvement Loan Program and the Commercial Heritage Trust Fund. |

(j) **Conditions of Grant**

The project must be fully described in the application form and the eligible items identified and approved before the work commences. The project must be completed as defined in the application form and to a high standard of craftsmanship. In the event of demolition or removal of the funded improvements within the first five years of awarding the grant, the applicant of the grant will be responsible for paying the full amount of the grant back to the City.

Appendix "F" as referred to in
Section 5(c) of the Planning
and Development Committee Minutes
dated 1998 August 5

nn)

CORE HERITAGE PROGRAM

1. The program will apply to the heritage commercial properties located within the Downtown Hamilton Community Improvement Project Area (Queen Street to Cannon Street to Victoria Avenue to Hunter Street) where a Facade Design Study is approved.
2. Owners and tenants of commercial heritage properties in the Downtown area with no tax arrears are eligible. Properties to be funded must comply with the zoning By-law. Criteria for the tenants shall be that of the owners except that a tenant must have permission of the property owner to make changes to a building.
3. The Core Heritage 2000 Program is a three-part project designed to revitalize the central core by providing matching grants to:
 - (a) restore the historic building facades and in cases of special heritage features, improve the rear and side facades;
 - (b) improve the storefronts and enhance pedestrian amenities through the use of canopies; and,
 - (c) improve the quality of the commercial signage. Proposals must meet the prescribed design criteria.
4. Funding will be in the form of matching grant up to a maximum of \$20,000 per property; properties with a frontage of more than 40 feet will be eligible for a matching grant of \$500 per foot to a maximum of \$75,000. Buildings designated under the Ontario Heritage Act are eligible for an additional \$5,000 matching grant. Design, labour and materials are eligible but not the owners' "sweat equity".
5. In the event of demolition or removal of funded improvements within the first five years of awarding the grant, the owner of the property will be responsible for repaying the full amount of the grant back to the City.
6. Applications will be taken by the Housing and Loans Division of the Building Department. The technical processing of the grant and facade design will be undertaken by the Planning and Development Department, Heritage Planning staff.

During pre-submission meetings, Guidelines for Heritage Restoration, Improving Storefronts and Canopies, and Commercial Signage will be provided to each interested property owner/tenant. Each application will be reviewed by Heritage Planning and an advisory committee, following the procedure established for the Gore Heritage 2000 Program. When the final drawing is submitted and the proposal approved by Council or the C.A.O., the applicant is then entitled to proceed with the project. Approval of the technical work will be done by the Planning and Development Department after a site visit. The Housing and Loans Division will forward the grant money.

7. The Core Heritage 2000 Program demonstrates the City's leadership in a joint public-private funding approach. Joint public-private ventures are needed for long lasting revitalization of the downtown.
8. The Core Heritage 2000 grants can be used in conjunction with other improvement programs such as the Convert/Renovate-to-Rent Loan Program, the Commercial Property Improvement Loan Program and the Community Heritage (loan) Fund, provided the established design criteria are used, to spur on the renewal of the building's interior as well as exterior.
9. The Core Heritage 2000 funding enables small-scale developers to participate in and contribute to downtown revitalization.
10. A greatly enhanced streetscape will help attract more people into the downtown area, the ultimate goal of downtown revitalization.
11. Renovation and restoration work is labour intensive and will serve to create jobs for smaller and more specialized firms.
12. Economic recovery will lead to increased taxes.
13. With this effort to revive and enhance the buildings within the core, the city will demonstrate its long-term commitment to downtown revitalization, its support of the private property owners/tenants who carry the financial responsibility for the core, and its belief in Hamilton's future."

Appendix "G" as referred to in
Section 6(a) of the Planning and
Development Committee Minutes
dated 1998 August 5

TENANT LOAN GUIDELINES

- 3.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within a Community Improvement Area. To be eligible for a loan the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.
- 3.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.
- If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.
- 3.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
- 3.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.
- 3.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If a tenant has more than one leasehold interest eligible for this program, the tenant may only receive a maximum of \$30,000.00 in loans under this Program.
- 3.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 3.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;

- such other loan program administrative fees fixed by Council from time to time.
- 3.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 3.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 3.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 3.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 3.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 3.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 3.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 3.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 3.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 3.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.

Appendix "H" as referred to in
Section 6(a) of the Planning
and Development Committee Minutes
dated 1998 August 5

BARTON GENERAL COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

5.0 The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton General Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

5.1 Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

5.2 The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.

5.3 These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,

- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
- (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
- (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

5.4 Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.

- 5.5 In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
- 5.6 Loans may be for the following types of improvements and their related expenses:
- interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
- 5.7 Loans shall be advanced only in respect of completed work which has been inspected by the City.
- 5.8 Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
- 5.9 The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
- 5.10 The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.
- 5.11 A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
- 5.12 Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:

- (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
- 5.13 The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
- 5.14 The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
- 5.15 Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
- 5.16 All loans become due and payable upon the sale, closing or moving of the borrower's business.
- 6.0 Grants to Tenants
- The provisions of paragraph 3.0 of Schedule "A" of By-law No. 95-180 to the owners of lands shall apply to grants to the tenants of property located in the Barton General Community Improvement Plan Area with the necessary changes, except as amended by this section.
- 6.1 The maximum grant to a tenant shall be \$5,000. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

Appendix "J" as referred to in
Section 6(a) of the Planning
and Development Committee Minutes
dated 1998 August 5

BARTON VILLAGE COMMUNITY IMPROVEMENT PLAN

TENANT LOAN GUIDELINES

17. The following guidelines apply to loans from The Corporation of the City of Hamilton to commercial tenants located within the Barton Village Community Improvement Plan Area. To be eligible for a loan, the tenant must be located in a building that is in a Business Improvement Area and the property occupied by the tenant must be specially assessed or specially assessable for the levy payable to the Board of Management of the respective Business Improvement Area.

18. Upon receipt of a satisfactory application to the City which meets the criteria of the loan program, including the criteria set out herein, loans may be made by the City for a term not exceeding ten (10) years, at the interest rate charged on tax arrears by the City pursuant to By-law No. 94-189.

If the borrower makes all the required payments of the loan, the City agrees to forgive the interest portion of the loan. If the borrower does not make all of the payments of the principal portion of the loan, the tax arrears interest rate, as specified by By-law No. 94-189, will accrue on the principal amount outstanding from the date of the payment default.

19. The interest rate shall be established at time of loan approval. Interest shall commence to run after the Interest Adjustment Date (I.A.D.) namely, the first of the month following full advancement of the loan. Repayment of loans shall be monthly but open to full repayment at any time without notice of penalty.
20. These loans are solely intended for the tenants who operate a business within the designated Community Improvement Project Areas where the owner's lands are used for non-residential and commercial purposes which, in the opinion of the City,
- (a) are intended for the eligible improvements and expenses contemplated in the Community Improvement Plan as amended herein;
 - (b) fulfil the objectives of the City expressed in the Community Improvement Plan, as amended herein;
 - (c) meet the security/equity and other requirements of the City's loan program including the requirements specified herein.

21. Loan amounts shall not exceed the sum of \$10,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$30,000.00 in loans under the program.
22. In the event the owner of a business within a Business Improvement Area does not own the building, a loan of less than \$5,000 will be secured by a Promissory Note, and for loans greater than \$5,000, a collateral mortgage will be obtained on other real property owned by the tenant. For loans not secured by a collateral mortgage, the City shall have the sole discretion to decide upon a loan amount, which shall be based on the creditworthiness of the applicant and the revenue and expenses of the business.
23. Loans may be for the following types of improvements and their related expenses:
 - interior fixtures, including partitions;
 - interior decorating, including lighting, painting, wallpaper, etc.;
 - built-in showcases, freezers, special plumbing, etc.;
 - signage;
 - related professional fees (architects, engineers, appraisers, lawyers, etc.) and the application fee of the greater of 1.5% of the loan or \$200;
 - such other loan program administrative fees fixed by Council from time to time.
24. Loans shall be advanced only in respect of completed work which has been inspected by the City.
25. Loans may not be made for expenses such as chattels, (such as tables, chairs, cash registers) nor shall loans be made for rental/owner occupied residential accommodation.
26. The building envelope, including exterior shell (foundation, exterior walls, roof, fire escapes, chimneys) and major systems, shall be inspected by the Building Department prior to the loan application being considered by the City. Any deficiencies shall qualify for a loan in advance of facade improvements (store fronts, aesthetics, signage, etc.).
27. The tenant will obtain two estimates for all eligible improvements after the City's inspection of the building. Where an owner personally carries out the work, only the cost of materials is eligible for a loan, upon receipt of invoices.

28. A report by the Building Department (Housing and Loans Division) on each loan will be made to the Planning and Development Committee and Council for approval. The Committee and the Council have the discretion to allow or not to allow the loan. The recommendation of the Board of Management of the local B.I.A. will be received in respect of the exterior improvement portion of loan applications.
29. Each borrower shall give the City a promissory note in respect of each loan; and as security for repayment of the loan made by the City, the borrower shall:
 - (i) where the borrower is a limited company, provide the City with the personal guarantee of at least the majority of the owner(s) of the shares, together with documents satisfactory to the City confirming the authorization of the Corporation to apply for the loan and give the loan security to the City;
 - (ii) the tenant must have at least 25% equity, after covering outstanding property encumbrances, including the amount of the City's loan, on the property the tenant grants the City a collateral mortgage;
 - (iii) the tenant may grant the City a collateral mortgage in other property that meets the City's equity requirements, provided the owner's lawyer prepares and certifies to the City, at the owner's expense, the collateral mortgage in a form satisfactory to the City Solicitor;
30. The borrower shall keep in good standing any taxes or rates levied against the tenant's interest in the property.
31. The Departmental charge shall be 1 1/2% of the loan or \$200, whichever is more, as an administration fee. This will become an eligible expense on the application.
32. Upon sale of a property which is secured by a collateral mortgage, the loan is due and payable in full to the City.
33. All loans become due and payable upon the sale, closing or moving of the borrower's business.

34. Grants to Tenants

The provisions of By-law No. 98-103 on grants to the owners of lands shall apply to grants to the tenants of property located in the Barton Village Community Improvement Plan Area with the necessary changes, except as amended by this section.

35. Grant amounts shall not exceed the sum of \$5,000, in respect of the cost of eligible improvements to each separate location of the tenant under lease from the owner. If the tenant has more than one leasehold interest eligible for this program, the tenant may receive only a maximum of \$15,000 in loans under the program.

Appendix "J" as referred to in
Section B(i) of the Planning and
Development Committee Minutes
dated 1998 August 5



REMOVE CIL & MAGNET
Etc. FOR NEW WINDING

EAST ELEVATION CHILTON PLACE

PLEASE STRIKE DOWN THE WALLS WITH
A 12" VOLT, CATT.
ALICE AT 11:00 AM.

2" x 4" HORIZONTAL PAINTED
2" x 4" WITH VERTICAL & HORIZONTAL STEEL
PIPE WITH 12" x 4" VERTICAL ROD @ 2' OC.
ALL WELDED STEEL TUBES, WELDED JOINTS
TO AIRLOCK HOLE SET IN CONCRETE.

EXTENDING FRONT DOOR:
CLEAN & REPAIR AS REQUIRED TO MAINTAIN
NEW/IMPROVEMENTS/HANDLES/LOCKS
LATCH SET & CLEAN LOCK/HANDWARE TO
STABILIZE "WILLY" LOCK JEFF.

TYPE - RELATE FROM EXAMINER
PAGE THREE CONTAINS AS
INDICATED IN ARCHITECT.

DESCRIPTION

REVISIONS

THE CONTRACTOR SHALL
VERIFY ALL DIMENSIONS
ALL ERRORS AND OMISSIONS
ARCHITECT. DO NOT
DRAWINGS. THIS DRAWING
USED FOR CONSTRUCTION
UNTIL SIGNED BY THE

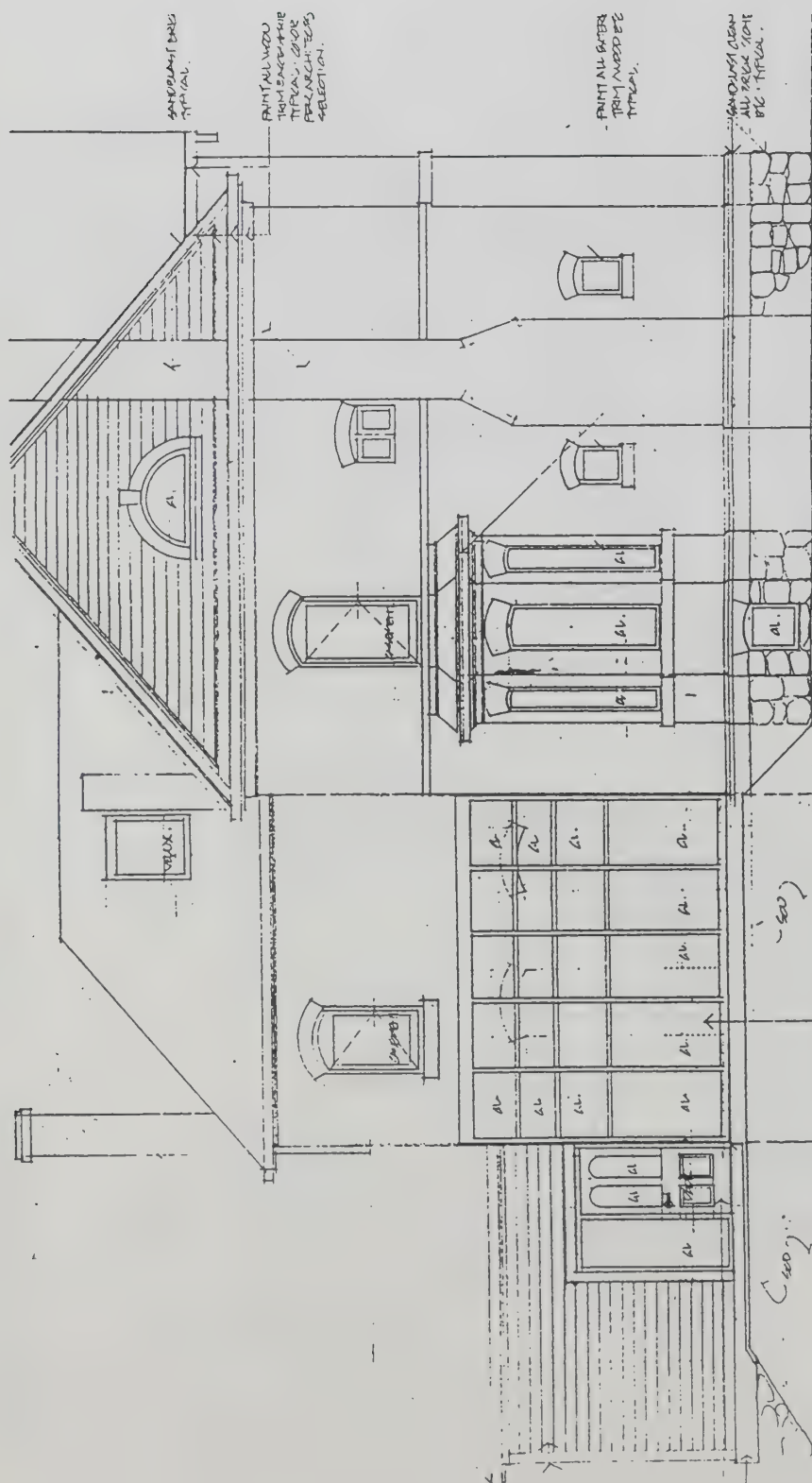
**BRUCE
BERGL
ARCHIT**

DRN.	CHCD.	DATE	SCA
------	-------	------	-----

BRETZLER RESIDENCE
PROJECT

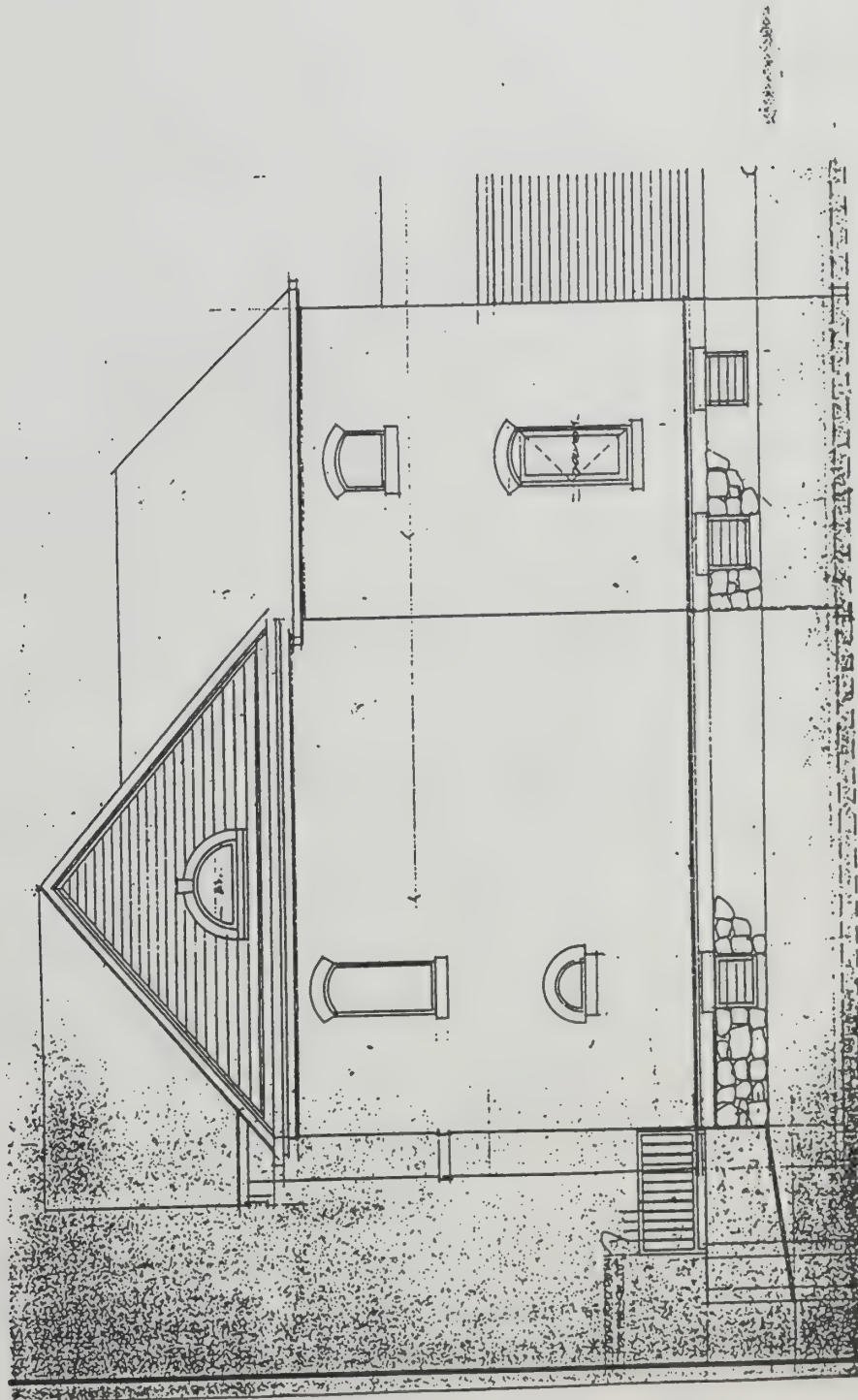
ELEVATIONS DRAWINGS

JUL 16 1959

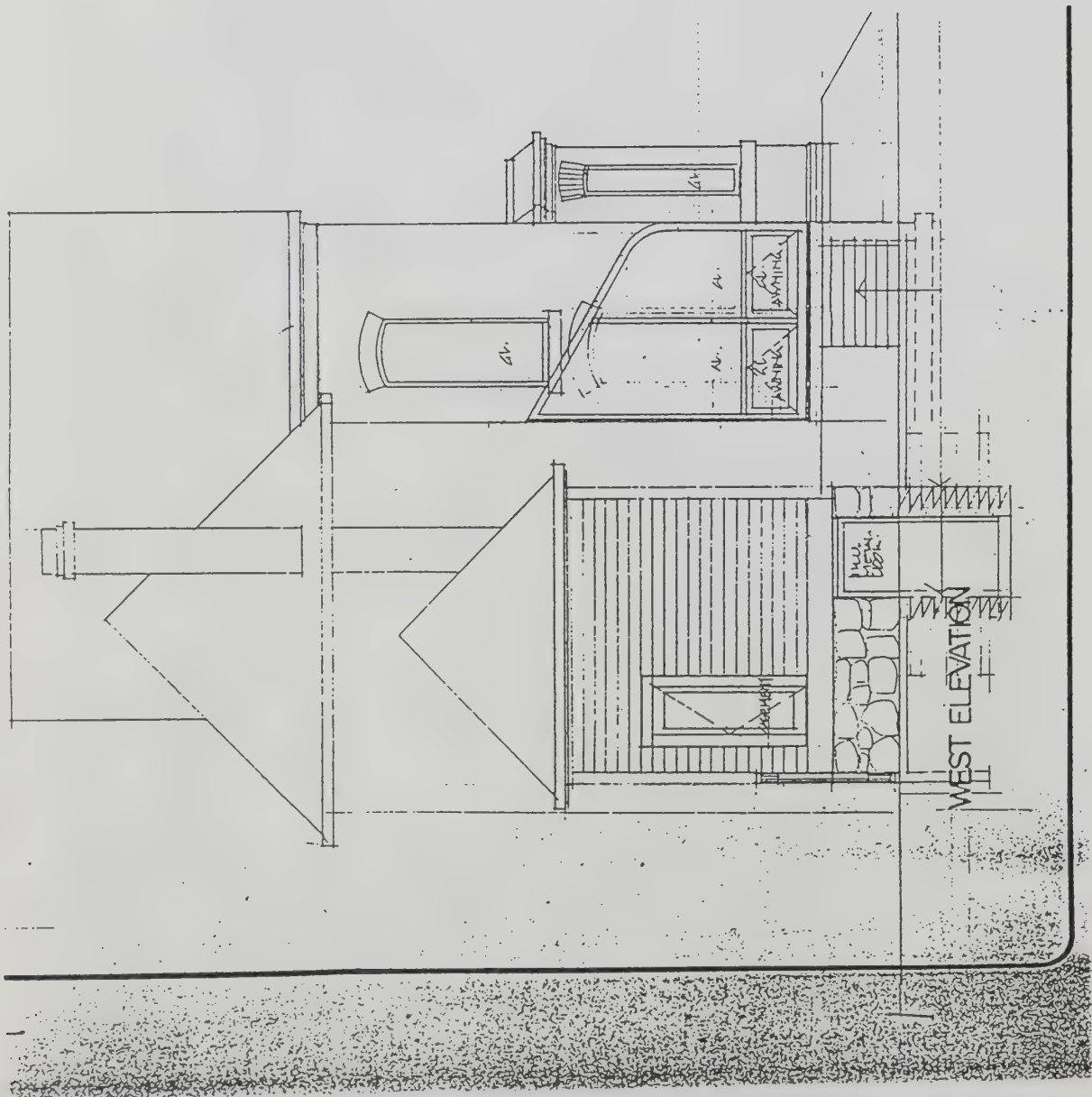


SOUTH ELEVATION

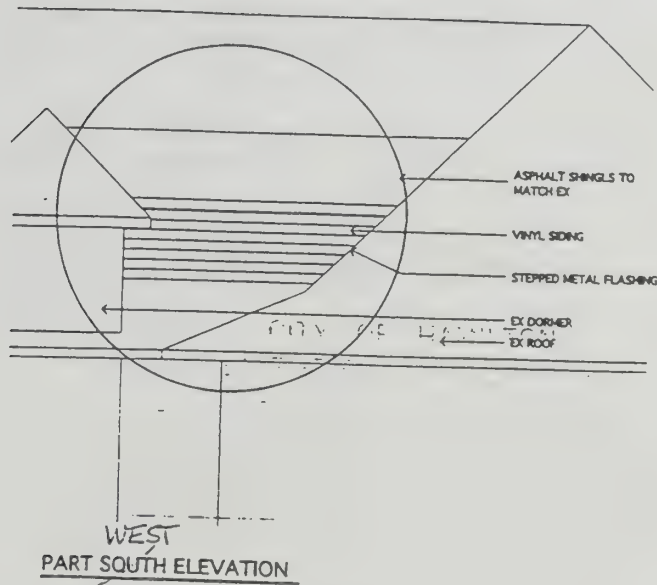
REMARKS: EXISTING MILL BRIDGE
-- NO GREAT OPENING PINK BRICKS
-- NO REINFORCED APPROACH, --



NORTH ELEVATION



Appendix "K" as referred to in
Section B(ii) of the Planning
and Development Committee Minutes
dated 1998 August 5



McCALLUM SATHER
ARCHITECTS INC.

Hamilton, Ontario 905 526 6700

PROJECT NAME

HAMILTON REGIONAL
INDIAN CENTRE

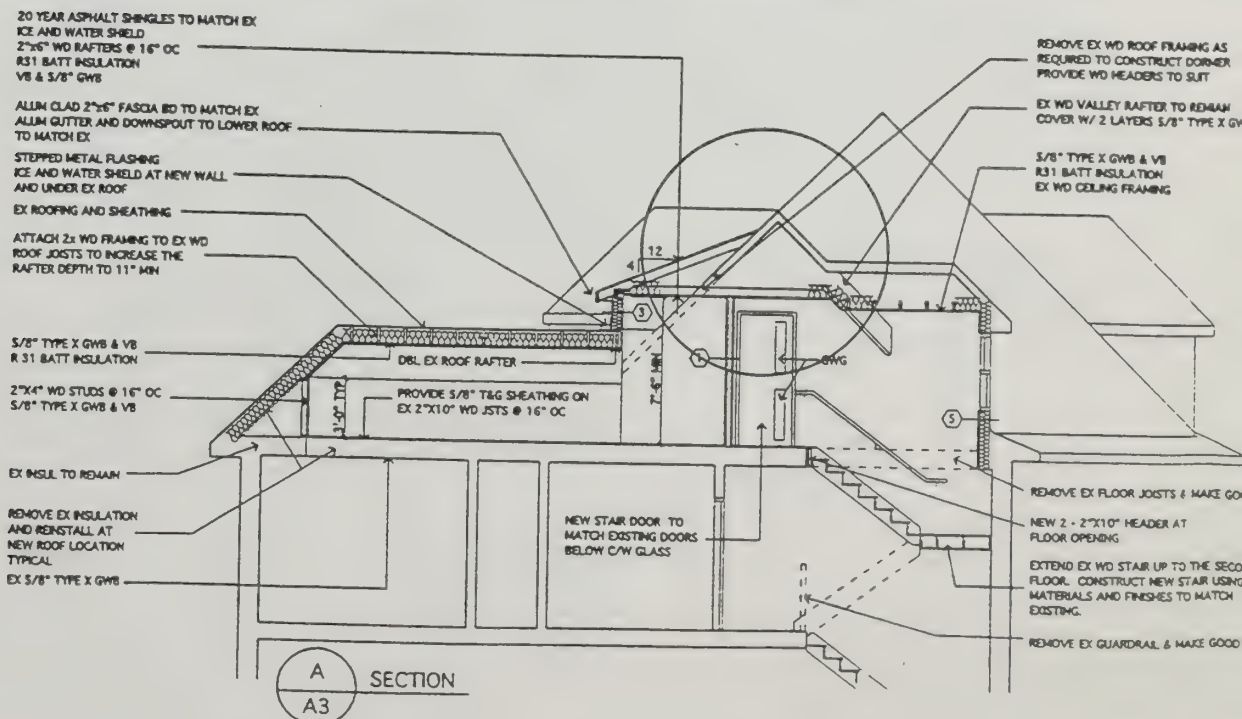
RENOVATIONS TO:
712 MAIN STREET EAST
HAMILTON, ONTARIO

DRAWING TITLE

SECOND FLOOR PLAN
PART SECTION

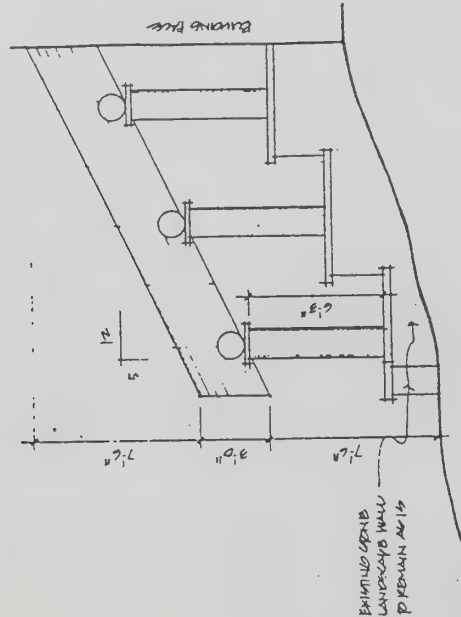
DRAWN BY	MA	DATE	MAY 1998
CHECKED BY	GS	SCALE	1/8" = 1'-0"
PROJECT NO.	98-07	DRAWING NO.	A3

AREAS TO BE ALTERED ARE CIRCLED

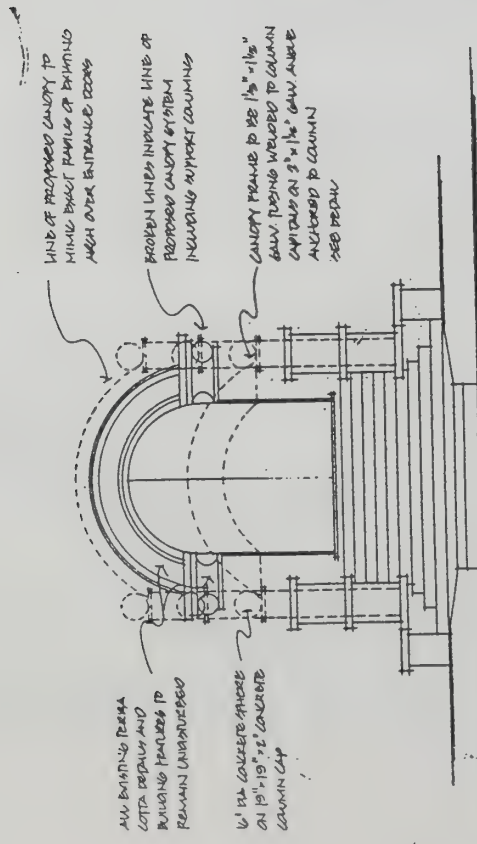


EAST/WEST CROSS SECTION

Appendix "L" as referred to in
Section B(iii) of the Planning
and Development Committee Minutes
dated 1998 August 4



SIDE ELEVATION
SCALE: 1/4" = 1'-0"



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

Bi)


CITY OF HAMILTON

RECOMMENDATION

SEP 14 1998

DATE: 1998 September 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner 

SUBJECT: Commercial Property Improvement Loan Program
221 Barton Street East (98.2.4.2.1A, 98.2.14)

RECOMMENDATION:

- a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to T & R Auto Service Centre Inc., for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to T & R Auto Service Centre, for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
- d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

T & R Auto Service Centre Inc., the owner of 221 Barton Street East, has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 221 Barton Street East:

- a) \$25,000 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$12,500. Security: promissory note and lien. Monthly payments \$249.81.
- b) \$5,000 loan amortized over a period less than seven (7) years at 3.75 per cent interest. Grant portion \$2,500. Security: no security other than promissory note. Monthly payments \$75.00.

A lien for \$25,000 will be registered on title in second place to a mortgage of \$78,113 in favour of Mohinder Lamba.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department

Bii)


CITY OF HAMILTON

RECOMMENDATION

SEP 14 1998

DATE: 1998 September 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner 

SUBJECT: Commercial Property Improvement Loan Program
415 Barton Street East, Hamilton (98.2.4.2.1A, 98.2.14)

RECOMMENDATION:

- a) That a secured loan in the amount of fifteen thousand, nine hundred dollars (\$15,900) to Alcino Duarte, for improvements to 415 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of seven thousand, nine hundred and fifty dollars (\$7,950) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Alcino Duarte, the owner of 415 Barton Street East, has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 415 Barton Street East:

- a) \$15,900 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$7,950.
Security: promissory note and lien. Monthly payments \$158.88.

A lien for \$15,900 will be registered on title in second place to a mortgage of \$64,515 in favour of The Royal Bank.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department


Biii)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1998 September 9 SEP 14 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner 

SUBJECT: Commercial Property Improvement Loan Program
419 Barton Street East (98.2.4.2.1A, 98.2.14)

RECOMMENDATION:

- a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East, be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over a period less than seven (7) years; and,
- d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Jose Antonio and Ana Maria Santos, the owners of 419 Barton Street East, have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 419 Barton Street East:

- a) \$25,000 loan amortized over ten (10) years at 3.25 per cent interest. Grant portion \$12,500. Security: promissory note and lien. Monthly payments \$244.04.
- b) \$5,000 loan amortized over a period less than seven (7) years at 3.25 per cent interest. Grant portion \$2,500. Security: no security other than promissory note. Monthly payments \$75.00.

A lien for \$25,000 will be registered on title in second place to a mortgage of \$60,449 in favour of The Royal Bank.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department

Biv)


CITY OF HAMILTON

RECOMMENDATION

SEP 14 1998

DATE: 1998 September 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner 

SUBJECT: Commercial Property Improvement Loan Program
524 Barton Street East, Hamilton (98.2.4.2.1A, 98.2.14)

RECOMMENDATION:

- a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
- d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

603818 Ontario Limited, the owners of 524 Barton Street East, have applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 524 Barton Street East:

- a) \$25,000 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$12,500. Security: promissory note and lien. Monthly payments \$249.81.
- b) \$5,000 loan amortized over a period less than seven (7) years at 3.75 per cent interest. Grant portion \$2,500. Security: no security other than promissory note. Monthly payments \$75.00.

A lien for \$25,000 will be registered on title in second place to a mortgage of \$288,953 in favour of Sam and Maria D'Alesio.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department

Bv)


CITY OF HAMILTON

RECOMMENDATION

SEP 14 1998

DATE: 1998 September 11

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner 

SUBJECT: Commercial Property Improvement Loan Program
579-581 Barton Street East (98.2.4.2.1A, 98.2.14)

RECOMMENDATION:

- a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
- d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Macrotop Investment Inc., the owner of 579-581 Barton Street East, has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Building Department, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 579-581 Barton Street East:

- a) \$25,000 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$12,500. Security: promissory note and lien. Monthly payments \$249.81.
- b) \$5,000 loan amortized over a period less than seven (7) years at 3.75 per cent interest. Grant portion \$2,500. Security: no security other than promissory note. Monthly payments \$75.00.

A lien for \$25,000 will be registered on title in second place to a mortgage of \$109,059 in favour of The Korean Exchange Bank of Canada.

LCK/MM/dk

c.c. R. Camani, Treasury Department
D. Powers, Law Department

Bvi)


CITY OF HAMILTON

RECOMMENDATION

SEP 14 1998

DATE: 1998 September 9

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L C King, P.Eng.
Building Commissioner 

SUBJECT: Hamilton Emergency Loan Program (H.E.L.P)
810 Beach Boulevard (98.2.4.2.1A)

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Audrey Masi, 810 Beach Boulevard. The interest rate will be 2 per cent amortized over 5 years.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Program in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programs. A maximum loan of \$2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans, Division, recently finalized an Emergency Loan for Audrey Masi, 810 Beach Boulevard, in the amount of \$2,000. The roof has been repaired, and the Department recommends approval in the amount of \$2,000 at 2% interest and amortized over five (5) years.

LCK/MM/dk

c.c. R. Camani, Treasury Department

B vii)

CITY OF HAMILTON

- RECOMMENDATION -

SEP 14 1998

DATE: 1998 September 10

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner



SUBJECT: Demolition of:
364 OSBORNE STREET - Tag Number 98-108746
(98.1.1.A)

RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 364 Osborne Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: C


PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposes to demolish the existing single family dwelling and replace with a new single family dwelling. A building permit application has been submitted to this Department to replace the dwelling. This property is located in the McQuesten East Neighbourhood (please see attached neighbourhood map) and is located in Ward 4. No LACAC interest. Lot size 40' x 100'.

The owner of the property and applicant as per the demolition permit is:

Agnes Magliocco
56 Vansitmart Avenue
Hamilton, Ontario L8H 4N3

 FP/zr

Ci)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 15 1998

DATE: 1998 September 15
(OPA-HW)

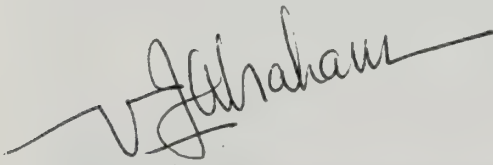
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Regional and Town of Flamborough Official Plan
Amendments and Associated Zoning By-law Amendment -
Highways #5 and #6 (Flamborough)

RECOMMENDATION:

That Region of Hamilton-Wentworth and the Town of Flamborough be advised the City of Hamilton opposes the proposed Regional and Town of Flamborough Official Plan Amendments and the associated zoning by-law amendment, to permit the development of the lands at the south-east corner of Highways #5 and #6, for a "small power centre" containing 24,154 m² of retail commercial uses because of the impacts on the commercial areas, particularly the downtown core in Hamilton.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Rosart properties Inc. applied to the Town of Flamborough for a rezoning and Official Plan Amendment (OPA) and to the Region of Hamilton-Wentworth for an Official Plan Amendment to permit a range of retail commercial uses including a grocery store and department store, for

the lands at the south-east corner of Highways #5 and #6 (Clappison's Corners) - see APPENDIX "A". The lands are 15.8 ha (39 acs.) in size; however, there is an additional 4 ha (10 acs.) adjacent to the site which may be added to the lands in the future.

The present designations and zoning on the lands allow entertainment and hotel/motel uses in addition to the industrial/business type uses. The proposed development would include the following:

- 1 Department store approximately 9,290 m² (100,000 sq.ft.);
- 1 grocery store approximately 3,484 m² (37,500 sq.ft.)
- 1 entertainment centre approximately 2,787 m² (30,000 sq.ft.)
- 1 home improvement store approximately 2,787 m² (30,000 sq.ft.)
- 6 commercial retail units approximately 929 m² (10,000 sq.ft.) each;
- 2 restaurants approximately 418 m² (4,500 sq.ft.) each; and,
- 2 drive thrus and 2 smaller commercial retail units totalling 799 m² (8,600 sq.ft.).

Total buildable area is approximately 39,482 m² (425,000 sq.ft.).

MARKETING STUDIES

Two marketing studies were carried out for the site. Coopers and Lybrand prepared the initial report and Emrik Suiches provided a peer review for the Town of Flamborough. Neither of the reports addressed the impacts on the City of Hamilton, not its downtown core. the market studies focused on the impacts on the Towns of Dundas and Flamborough.

REGIONAL OFFICIAL PLAN

The site is designated "Business Park" in the Regional Official Plan (ROP). The designation allows for a range of manufacturing, construction, wholesale, research development related industries, service type uses (i.e. entertainment and recreational facilities); and limited retail/service type commercial uses including warehouse retail-wholesale uses, banks, restaurants, professional offices. These uses are permitted provided they do not adversely affect established retail areas. Grocery and department stores are specifically prohibited. These uses were prohibited because it was felt they are better suited to commercial areas by the nature of their traffic. etc. Further the addition of certain "retail uses" would undermine the viability of existing and future designated commercial areas. In addition, the Region wanted to retain lands expressly for business park type uses.

TOWN OF FLAMBOROUGH OP AND ZONING BY-LAW

Similarly, the Town of Flamborough designates the lands as a Business Park in the OP; the secondary plan designates half the site for prestige industrial-commercial and the remaining portion for prestige industrial.

COMMENTS:

- 1) The proposed amendment is contrary to the preamble of ROP Policy 3.1.3 which clearly states that:

*"It is intended that Business Parks augment rather than compete with other employment areas in the Region, including established retail and commercial areas in the **Regional centre** and mixed use centres".*

Grocery and Department stores can more appropriately be located in the downtown area or other commercial areas.

One of the major goals of the Regional Centre revitalization is to boost both the residential and retail components that are so vital to its lifeblood. The addition of another power centre to the regional commercial system only serves to shift people and services away from the downtown into outlying areas.

- 2) By adding these commercial uses, there is a potential for this small power centre to grow, especially since there is an additional 10 acres of land that may be added to the site in the future. The City did not object to other similar power centres in the past; however, these centres are proliferating in the Region and there is a concern about the impact on the City's commercial areas in particular, the downtown.

CONCLUSION:

Based on the above, the City of Hamilton opposes the proposed Regional and Town of Flamborough Official Plan Amendments and the associated zoning by-law amendment.

Cii)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 September 14 SEP 15 1998
CDM-98-04
Mountview Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium
"The Renoir" - 50 Rice Avenue.

RECOMMENDATION:

A. That approval be given to application CDM-98-04 (Regional File 25CDM-98014), Eden Oak Hamilton Inc. (Romas Kartavicius), owner, to establish a draft plan of condominium, located at the southwest corner of Chedmac Drive and Rice Avenue and known municipally as 50 Rice Avenue, as shown on the attached map marked as APPENDIX "A", to provide for a condominium comprised of a total of 40 residential townhouse dwelling units ("The Renoir", Phase II.), subject to the following conditions:

- i) That this approval apply to the attached draft plan as revised in red, prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated June 23, 1998, showing a total of 40 residential townhouse units.
- ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on June 8, 1998 under application DA-98-14;
- iii) That the applicant satisfy all conditions of Site Plan Application DA-98-14 to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium;
- iv) That the following warning clause be registered on title for Units 1, 2, 19, 20, 21 and 22, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals"

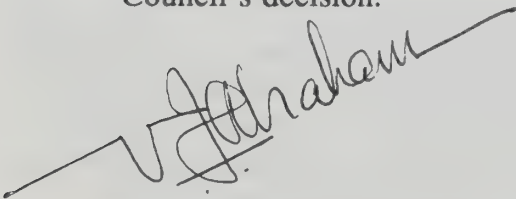
- v) That the following warning clause be registered on title for Units 21-40 inclusive,

to the satisfaction of the Director of Planning and Development and the City Solicitor:

"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooling condensing unit shall be located in a noise insensitive area)."

- vi) That the applicant enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor.
- vii) That a clause be inserted on title and/or in the Condominium Agreement advising prospective purchasers of the proposed Chedmac Drive and Rice Avenue realignment.
- viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

- B. That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Owner:

Eden Oak Hamilton Inc.
(Romas Kartavicius)

Applicant:

same as owner

Surveyor:

S.J. Balaban, O.L.S.
J.D. Barnes Ltd.,

Location:

The lands, comprising 15,956.0 m², are located at the south west corner of Chedmac Drive and Rice Avenue in the Mountview Neighbourhood, and are known municipally as 50 Rice Avenue (see APPENDIX "A").

Proposal:

The applicant is proposing a 40 unit condominium townhouse development, "The Renoir" (see Appendix "B"). The development consists of six (6) building blocks, Phase Two (2) of a complex, to be located at the south-west corner of Rice Avenue and Chedmac Drive.

EXISTING DEVELOPMENT CONTROLS:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:

The subject lands are designated "Residential" in the City of Hamilton Official Plan. The proposal complies with the Official Plan.

Neighbourhood Plan:

The subject lands are designated "Retirement Village" on the approved Mountview Neighbourhood Plan. The proposal complies with the approved plan.

Zoning:

The subject lands are zoned "DE" (Low Density Multiple Dwellings) District, modified. The proposal complies with the zoning by-law.

It should be noted that an 'H' Holding provision was placed on the subject lands until the applicant has completed a noise study, and any required works, to the satisfaction of the Ministry of Environment and Energy.

Zoning By-law No. 98-092

On March 10, 1998, City Council passed By-law No. 96-092 to remove the 'H' - (Holding) provision, thereby giving effect to the "DE" (Low Density Multiple Dwellings) District provisions, as set out under By-law No. 96-113.

Site Plan:

The proposed condominium development was the subject of Site Plan Control Application DA-

94-14 that was approved June 28, 1998, subject to various conditions. However, it should be noted that the various conditions have yet to be finalized and subsequently the Site Plan Agreement has not been registered on title.

Site Plan Control Application DA-98-14

Plans were submitted for a 40 unit condominium townhouse development, as Phase Two (2) of a complex, to be located at the south-west corner of Rice Avenue and Chedmac Drive, as shown on the attached map. The Phase One (1), a 41 unit condominium townhouse development, was previously approved on April 27, 1995. It should be noted that Phase One (1) and Phase Two (2) are held in separate title, however, they share common access driveways and internal roadways established by mutual right of way agreement(s) at the time the plan of condominium was approved for Phase One (1) (i.e. CDM-97-01, approved on June 24, 1997).

It is noted that the proposed "Draft Plan of Condominium" indicates a lot area 15,874.0 m² which deviates slightly from the total site area shown on the revised site plans submitted for DA-98-14, which indicates the lot area to be 15,956.0 m². The lot area has been redlined to reflect the lot area, as per the approved Site Plan. Furthermore, the plan of condominium has been redlined to eliminate the loading space shown on the plan which is not required nor shown on the approved site plan. The approved site plan establishes minimum yard requirements. The proposed plan of condominium complies with or exceeds the minimum yard requirements shown on the approved site plan. As such, the structure conforms in principle with the approved plans of DA-98-14.

COMMENTS FROM CIRCULATION:

- . The Ontario Hydro, Department of Public Works and Traffic and Region of Hamilton-Wentworth Treasury Management, Financial Services Section have no comment or objection.
- . The Building Department advises:
 - "1. The proposed townhouse development consists of six (6) blocks containing a total of forty (40) townhouse dwelling units, which is currently under Site Plan Application DA-98-14 and has not been finalized.
 2. The total site area indicated on the "Draft Plan of Condominium" is 15,874.0 m² and differs from the revised plans submitted for DA-98-14, which indicates the lot area to be 15,956 m².
- . The Regional Environment Department advises:

Information:

- "1) According to our records, all lands for the realignment of Chedmac and Rice Avenue have previously been incorporated into the road allowance By-law No. 92-149.

- 2) The residents of this development should be advised that the intersection of Chedmac Drive and Rice Avenue will be realigned closer to the residential units under this Condominium Application at some future date. This alignment should be clearly shown on all the approved plans registered on title.
- 3) All other items related to the development of this site will be dealt with through Site Plan Control Application DA-98-14."

"Recommendations:

1. That a clause be inserted on title and/or in the Condominium Agreement advising prospective purchasers of the proposed realignment.

The submitted plan as prepared by S.J. Balaban, O.L.S. stamped with the date June 23, 1998 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendation.

Furthermore, the Regional Environment Department Planning Division has advised that:

"It is our understanding that a "Noise Impact Assessment Report - Mohawk Hospital Services" dated February 29, 1996, by Aercoustics Ltd., which included recommendations to address noise impacts on the proposed development, was submitted and reviewed by the Ministry of Environment and Energy. These recommendations should be appropriately incorporated in the final approval of the site plan agreement and/or plan of condominium."

COMMENTS:

1. The proposal complies with the intent of the Official Plan.
2. The proposal complies with the approved Mountview Neighbourhood Plan.
3. The proposal complies with the "DE" (Low Density Multiple Dwellings) District, modified zoning in the City of Hamilton Zoning By-law No. 6593.
4. The proposal complies with the approved site plan. However, it is appropriate that the proposed plan of condominium be approved subject to the condition that the applicant satisfy all of the conditions of Site Plan Application DA-98-14.
5. The Regional Environment Department notes that the intersection of Chedmac Drive and Rice Avenue will be realigned closer to the residential units under this Condominium Application at some future date. As a condition of approval, a clause should be inserted on title and/or in the Condominium Agreement advising prospective purchasers of the proposed realignment. This alignment should be clearly shown on all the approved plans registered on title.

Furthermore, the applicant submitted a "Noise Impact Assessment Report - Mohawk Hospital Services" dated February 29, 1996, by Aercoustics Ltd., in support of their application. The noise study includes recommendations to address noise impacts on the proposed development. These recommendations should be incorporated in the final

approval of the proposed plan of condominium. Specifically, the following is required:

For Units 1, 2, 19, 20, 21 and 22, the following warning clause should be registered on title:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals"

The noise impact study recommended that an acoustical barrier be constructed for Units 20 and 21. The approved site plan provides a 2.5 m acoustical fence for the rear privacy areas of Units 20 and 21. Therefore, it is not necessary to require an acoustical barrier as part of the condominium approval.

For Units 21 -40 inclusive, the following warning clause should be registered on title:

"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooling condensing unit shall be located in a noise insensitive area)."

CONCLUSION:

On the basis of the foregoing, the proposed plan of condominium can be supported.

JL/jl

CDM-98-04.RPT

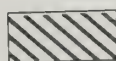


City of Hamilton

Location Map

Planning and Development Department

Legend



Site of application

North



Scale
Not to Scale

Date
April 1998

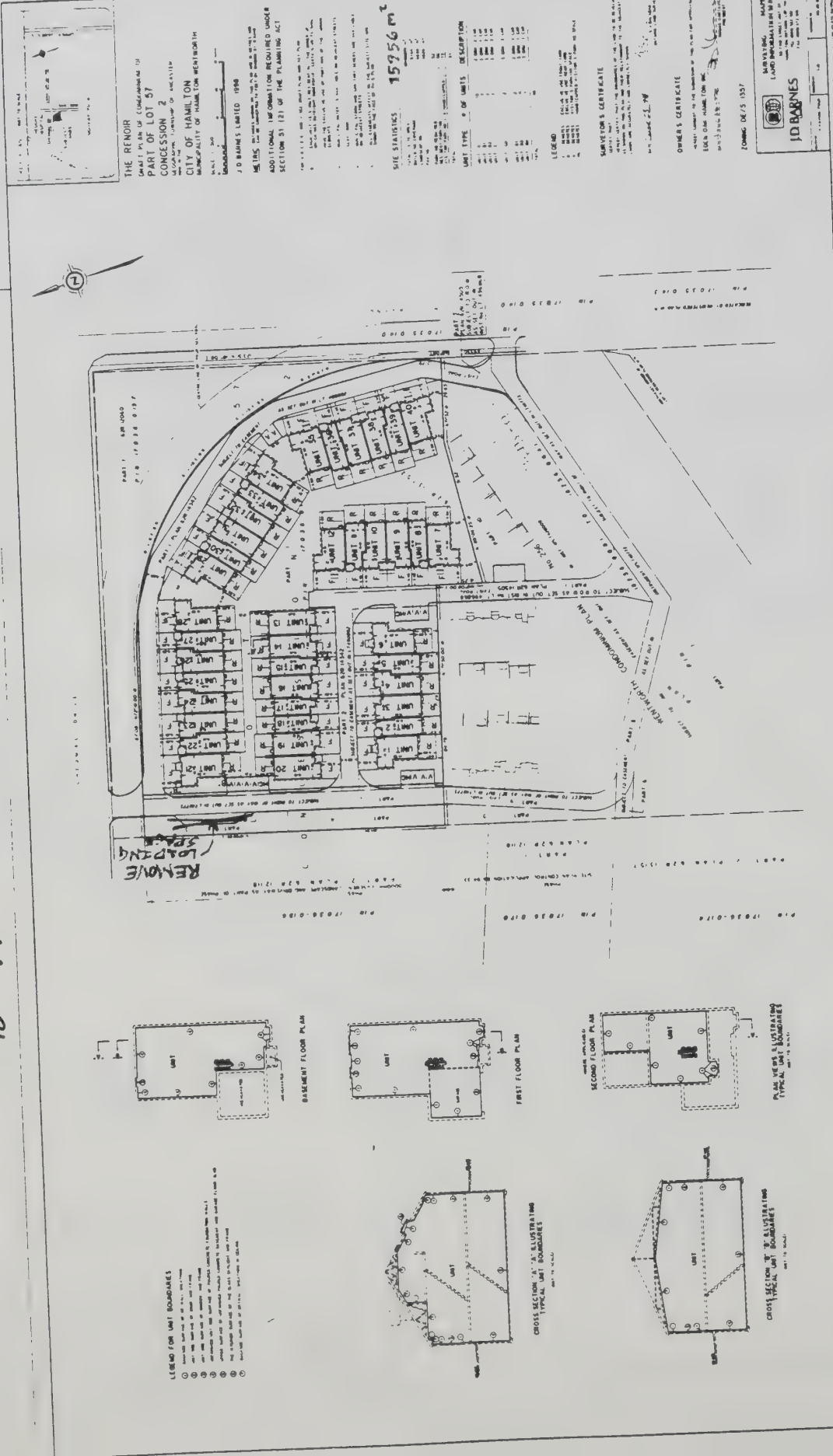
Reference File No.
CDM-98-04

Drawn By
FAB

APPENDIX A

APPENDIX B

98 79 576 00



250CDM-98014

CITY OF HAMILTON

Cmi)

- RECOMMENDATION -

DATE: 1998 September 17
(PLC-98-06)
Mountview Neighbourhood

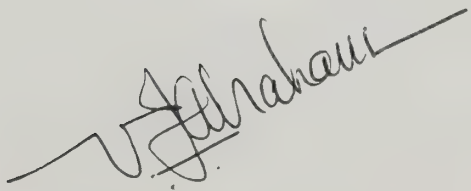
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Application to Remove Part-Lot Control
for "Tiffany, Phase 2" Subdivision for lands
located north of Redfern Avenue, west of Sanatorium Road
and south of San Pedro Drive.

RECOMMENDATION:

- a) That approval be given to **Part Lot Control Application 98-06, Chedoke Health Corporation, owner**, to remove part-lot control for Lots 2 to 21, inclusive, located in "Tiffany, Phase 2", Registered Plan 62M-850, to permit the creation of maintenance easements, as shown on the attached map marked as APPENDIX "A";
- b) That the attached by-law, marked as APPENDIX "B", to remove part lot control from Lots 2 to 21, inclusive Registered Plan 62M-850, "Tiffany, Phase 1" plan of subdivision, be enacted by Council;
- c) That the exempting by-law be restricted to a 1 year effective time period to expire on October 1, 1999;
- d) That following the enactment of this by-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the by-law and endorse the same on the by-law.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:Proposal

The application for removal of part lot control is to permit the establishment of maintenance easements in accordance with the approved plan of subdivision "Tiffany, Phase 2" (see Appendix "C"). The maintenance easements are required to construct zero-lot line single family dwellings in accordance with the requirements of the Subdivision Agreement and City of Hamilton Zoning By-law No. 6593.

Location

The lands are located north of Redfern Avenue, west of Sanatorium Road and south of San Pedro Drive in the Mountview Neighbourhood.

CIRCULATION COMMENTS:

- The Traffic Division, Department of Public Works and Traffic, Building Department and Regional Environment Division have no comments with respect to the application.

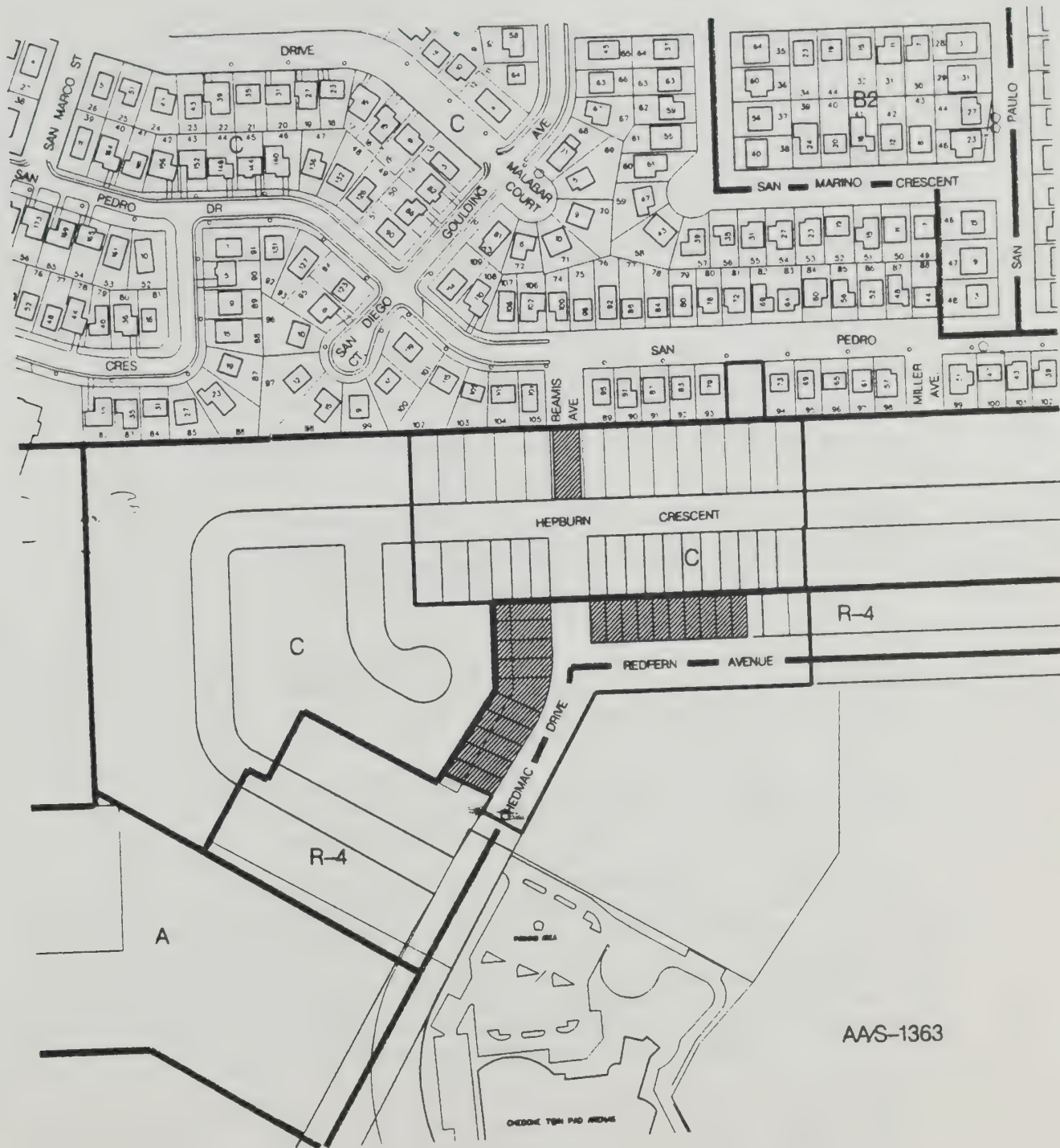
COMMENTS:

1. Removal of "part-lot" control is a mechanism provided for under the Planning Act to permit minor division of land. This provision eliminates the need to obtain the approval by the Committee of Adjustment for each individual parcel of land, thereby reducing the overall administrative process required to obtain the same objective. The mechanism is exercised by municipalities by registering a by-law in the Land Titles offices. Part lot control can only be used for lands within a registered plan of subdivision. In addition, Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the exempting by-law should be restricted to a 1 year effective time period (October 1, 1999).
2. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

SR/sr
PLC98-06.rpt



AAS-1363



Site of the Application

City of Hamilton Location Map "Appendix A"

Planning and Development Department

North



Scale

NOT TO SCALE

Date

Sept, 1998

Reference File No.
PLC 98-06

Drawn By
J.Sims

Bill No.

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Remove
Land within the "Tiffany, Phase 2" Subdivision, Plan 62M-850
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part,
as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 5 of Section 50 of the Planning Act, for the purposes of establishing maintenance easements shall not apply to the following lands:

Lots 2 to 21, inclusive, within Registered Plan Number 62M-850, in the City of Hamilton, Regional Municipality of Hamilton–Wentworth.

2.
 - (a) This by-law shall come into force and effect on the date of its approval by Council of The Regional Municipality of Hamilton–Wentworth.
 - (b) Where this by-law has been enacted and the said approval has been endorsed hereon, it shall be registered on title to the land described in paragraph one above.
 - (c) This By-law shall expire on October 1, 1999.

PASSED this day of

A.D. 1998.

City Clerk

Mayor

1. COUNTY PLAT THIS PLAT IS REGISTERED
IN THE LAND RECORDS OFFICE FOR THE LAND FILES
SECTION OF THE RECORDS AT
OCEOLUS, MO. ON
DATE OF 1966 AND ENTERED IN THE
RECORDS FOR THE
AND ACQUIRED CONVEYANCE AND REGISTERED
AS PLAT DOCUMENT NO.
LAND RECORDS.

APPROVED UNDER SECTION 51 OF THE PLANNING ACT BY
THE COMMISSIONER OF DEVELOPMENT
REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
AUTHORISED BY BY-LAW NO. 95-1

THIS PLAN COMPLETES PART OF PM 17008-
PLAN OF

Tiffany—Phase 2

BEING A SUBDIVISION OF
 LOTS 218, 219, 220, 221, 222, 223, 224, 256, 257, 258, 259,
 260, 261 & 262 AND PART OF LOTS 217, 225, 255, 263,
 264, 295, 296, 297, 298, 299, 300, 301 & 302 AND PART OF
 NORY AVENUE, BEAMIS AVENUE AND REDFERN AVENUE
 IMPROVEMENTS ORDERED BY JUDICIAL ORDER REGISTERED AS 1947 MOUNTAIN VIEW SURVEY—REGISTERED PLAN No 575

PART OF LOT 56-CONCESSION 2
 GEOGRAPHIC TOWNSHIP OF ANCASTER
 NOW IN THE
 CITY OF HAMILTON
 REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH
 SCALE: 1:700
 0 10 20 30 40 meters

B. J. CLARKE O.L.S.

[illegible]

2018-2019

STATE OF NEW YORK

OFFICE OF THE ATTORNEY GENERAL

CERTIFICATE

SIX STREETS ARE HEREBY DEDICATED TO THE CITY OF WASHINGTON AS PUBLIC HIGHWAYS AND BLOCK 31 IS HEREBY DEDICATED TO THE CORPORATION OF THE CITY OF WASHINGTON AS PUBLIC WALKWAY.

THE 18TH DAY OF APRIL, 1968

COKE HEALTH CORPORATION

[illegible]

SHAWYORS • ENGINEERS • PLANNERS
155 JAMES STREET S.W./M. SUITE 129
HAMM TON, ONTARIO L9P 3A4, CANADA
TEL 905-523-8761 FAX 905-978-2799
INTERNET: info@shawyork.com

San Pedro Drive

Miller Avenue

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

Block 52

Block 53

Block 54

Block 55

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

CONCESSION

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

CONCESSION

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

CONCESSION

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

CONCESSION

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

CONCESSION

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

CONCESSION

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

LOT 26

LOT 27

LOT 28

LOT 29

LOT 30

LOT 31

CONCESSION

HEPBURN CRESCENT

REDFERN AVENUE

HEPBURN AVENUE

CHEDMAC DRIVE

LOT 1

LOT 2

LOT 3

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

LOT 12

LOT 13

LOT 14

LOT 15

LOT 16

LOT 17

LOT 18

LOT 19

LOT 20

LOT 21

LOT 22

LOT 23

LOT 24

LOT 25

D.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 September 18

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Building Commissioner re: Status of 43 Forest Avenue- Location of Brick Failure, dated 1998 September 11.
- (b) Director of Planning and Development re: Approved Site Plan Control Applications, dated 1998 September 14.
- (c) Planning and Development Department Status Report as at July 31, 1998.
- (d) Ministry of Municipal Affairs and Housing re: Tenant Protection Act (Bill 96) dated June 12, 1998.
- (e) Alderman Bill Kelly re: American Planning Conference report dated 1998 August 27.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

Tina Agnello

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

CAY ON HBL A05
CSIPY
1998



Urban Municipal Collection
2nd Floor
Hamilton Public Library

NOTICE OF SPECIAL MEETING
PLANNING AND DEVELOPMENT COMMITTEE

URBAN MUNICIPAL

Tuesday, 1998 September 29
6:00 o'clock p.m.
Room 233, City Hall

SEP 29 1998

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. GENERAL MANAGER, HOUSING AND LOANS DIVISION

Downtown Convert/Renovate-to-Residential Loan Program
Core Heritage 2000 Program
Commercial Property Improvement Loan Program
105-115 King Street East
117 King Street East
80 King William Street
80A King William Street
77 King William Street

2. DIRECTOR OF PLANNING AND DEVELOPMENT

- (a) Proposed Draft Plan of Condominium- Condominium Conversion, 293 Mohawk Road East (CDM-CONV-98-007)
- (b) Proposed Draft Plan of Condominium- Condominium Conversion, 37-57 Mericourt Road (CDM-CONV-98-008)
- (c) Proposed Draft Plan of Condominium- Condominium Conversion, 893 Concession Street (CDM-CONV-98-007)

PLANNING AND DEVELOPMENT COMMITTEE
Tuesday, 1998 September 29

3. PRIVATE AND CONFIDENTIAL AGENDA
4. ADJOURNMENT

DINNER TO BE SERVED AT 5:30 IN RM.264

CITY OF HAMILTON**RECOMMENDATION**

DATE: 1998 September 25

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mark Mascarenhas
General Manager, Housing and Loans Division

SUBJECT: Downtown Convert/Renovate-to-Residential Loan Program
Core Heritage 2000 Program
Commercial Property Improvement Loan Program
105-115 King Street East
117 King Street East
80 King William Street
80A King William Street
77 King William Street

**RECOMMENDATION:**

- a) That loans and grants to Gamesmanship Equipment Inc., for building rehabilitation and conversion to 50 residential units at 105-115 King Street East, 117 King Street East, 80 King William Street, 80A King William Street and 77 King William Street be authorized upon the City's Loan Programs' provisions, subject to the conditions set out and referred to in this recommendation, including the following details:
- i) A maximum loan of \$800,000 under the Convert/Renovate-to-Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any) at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the City by the applicant's lawyer in a form satisfactory to the City Solicitor and the General Manager of the Housing and Loans Division; and,
 - ii) A maximum loan of \$150,000 under the Commercial Property Improvement Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any) at the same rate as arrears of realty taxes to be secured by a third mortgage on the properties prepared and certified to the City by the applicant's lawyer in a form satisfactory to the City Solicitor and the General Manager of the Housing and Loans Division; and,
 - iii) A maximum grant of \$61,000 under the Core Heritage 2000 Program; and,

- b) That the loans and grants amounting to \$1,011,000 be subject to the following conditions:
- i) That the applicant be required to fulfil all the borrowing requirements of the City of Hamilton with respect to the Commercial Property Improvement Loan Program, Core Heritage 2000 Program and the Convert/Renovate-to-Residential Loan Program, including, evidence satisfactory to the City of the owner's equity of not less than 25% of the appraised value after deducting from such appraised value, the owner's first, second, and third mortgages and other encumbrances, such as liens or realty tax arrears; the balance of the loans shall be re-payable to the City in the event the applicant ceases to own the property, (except to the extent the property is registered as a residential condominium.); and,
 - ii) That upon the applicant meeting all loan conditions, advances of the City's loans to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City loans, fully applied its equity and first mortgage loan funds; and provided further that:
 - 1) All advances are subject to compliance with The Construction Lien Act and other usual requirements of lenders; and,
 - 2) At the time of each loan advance,
 - there remains at least 25% owner's equity (as described above) in the properties; and,
 - the applicant's architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for building rehabilitation and conversion to 50 units and the value of the said remaining work is less than the amount of the City's loans; and,
 - the said applicant is the registered owner of the property.
 - iii) That the City's Heritage grant referred to above be paid to the applicant following the advance of the City's loans provided the loan repayments and realty taxes are in good standing and the applicant is the registered owner of the property; and,
 - iv) That upon sale of each unit in the proposed residential Condominium by the applicant, a partial discharge of the City's second and third mortgages shall be available upon payment of each loan's principal with interest attributable to such unit, provided repayments of both loans and realty taxes are in good standing; and,
 - v) That Schedule A of By-law 97-149 is amended by Council in accordance with the Planning Act to replace the maximum eight (8) units per deed property with a maximum of \$500,000 per deeded property; and,
 - vi) That the approval of the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the said amendment, including such loans and grant is received; and,

- vii) That the applicants has applied for a building permit within three months of 1998 September 29, and received such permit within six months of such application; and,
- viii) Such other terms and conditions that Council may, in its discretion, require; and,
- c) That staff take the necessary steps under the Planning Act for the City's application for amendments to the Downtown Community Improvement Plan and the By-law adopting such Plan, including the public meeting and notification obligations for the proposed amendment; and,
- d) That the applicable amending By-law be prepared in a form satisfactory to the City Solicitor.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The current balances of the program accounts are:

Current/Renovate-to-Residential Loan Program:	\$767,567 + \$180,000 due from Region:
	\$947,567
Commercial Property Improvement Loan Program:	\$785,781
Core/Gore Heritage 2000 Program	\$526,849

BACKGROUND:

This report has been prepared pursuant to the meeting of the Planning and Development Committee of 1998 September 23, and after a meeting on 1998 September 24 attended by Nick Catalano, Mr. Chris Bain, a real estate agent representing the applicant, and staff of the Housing and Loans Division, Law, and Planning Departments.

As further information for the Committee, the applicant has agreed to attend the meeting to address any questions and to describe the contemplated scope of their project.

The applicant is Gamesmanship Equipment Inc., a company whose principals are Mr. Robert McGowan and Ms. Laura Philp. Under the auspices of the Economic Development Department, the company has negotiated a conditional purchase of properties known as the Old Spectator Building with the intention of rehabilitating the properties and creating 50 residential units by converting the buildings.

The Company has applied for loan and grant assistance under the City's programs, and is eligible for the Commercial Property Improvement Loan Program and the Core Heritage 2000 Program. Notwithstanding the current maximum under the Convert/Renovate-to-Residential Loan Program of eight (8) units, the Company is seeking approval for up to 50 units with a limit of \$800,000.

Staff have reviewed the request against the original intent of the Program, the desire to effect meaningful positive change in the downtown, and the hope of owners of smaller properties in the downtown who potentially may also want to initiate conversions and are concerned there will not be sufficient funds in the Program to do so.

In order to address this latter concern, the Planning and Development Committee has directed staff to review all current loan programs and to prepare a report for the Planning and Development Committee addressing the potential for a reallocation to ensure that this concern is resolved.

Furthermore, to ensure that the loan commitment to Gamesmanship Equipment Inc. does not "tie up" funds indefinitely, staff have, with agreement of the applicant, added a condition precedent requiring the applicant to apply for a building permit and receive such permit within a six month window.

In the meeting with the applicant's representative and Economic Development on 1998 September 24, the applicant confirmed they are seeking "construction financing" and upon completion of the residential units they intend to sell them as "condos". In such case, the applicant has agreed to return to the City proceeds from partial discharges of a Convert-to-Residential 2nd mortgage. This, unlike in a rental situation, will ensure the City receives and replenishes the revolving Convert-to-Residential fund much sooner.

The loan approvals recommended herein are conditional on the applicant meeting a number of conditions, and on the City successfully achieving amendments to the Downtown Community Improvement Plan which will permit the making of such loans. The applicant has advised that the loan approvals being sought are critical to the project at this early stage and will enable purchase of the property and the securing of other financing.

MM/dk

cc. Nick Catalano, Economic Development
Patrice Noe Johnson, City Solicitor
Victor Abraham, Planning Department
Allan Ross, Treasury Department
Len King, Building Commissioner

Sept 23 1998 Tabled

2a)

CITY OF HAMILTON
- RECOMMENDATION -

SEP 11 1998

DATE: September 10, 1998
CDM-CONV-98-007
Hill Park Neighbourhood

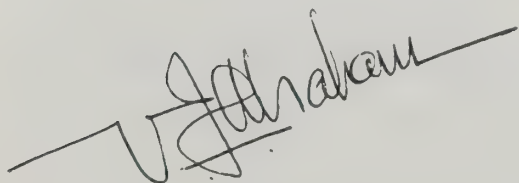
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 293 Mohawk Road East

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-007 (Regional File 25CDM-98009), Barton Ellis Holdings Limited (In Trust), owner, to establish a draft plan of condominium located at 293 Mohawk Road East, as shown on APPENDIX "A", be denied for the following reasons:
 - (i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Barton Ellis Holdings Limited (In Trust), owner.

Surveyor:

Bryan Jacobs O.L.S., Consoli & Jacobs Surveying Ltd.

Location:

Known municipally as 293 Mohawk Road East the subject property is 0.119 ha in size and contains a 7-storey apartment structure constructed in 1964 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 24 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 12 (3 vacant)
Two-Bedroom	- 12 (0 vacant)
Total	- 24 (3 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:**1. Land Use Designation**

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 25, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

There is no Neighbourhood Plan for the Hill Park Neighbourhood.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a twenty-four (24) unit multiple dwelling with a total of twenty-four (24) parking spaces contained within the building and at grade in the rear yard.
2. The dimensions of the parking spaces, manoeuvring spaces and access driveways have not been indicated. It appears that some of the parking space adjacent to the rear lot line do not have sufficient manoeuvring space."

Building Department staff advised that a revised plan showing appropriate dimensions would be required and, if necessary, Committee of Adjustment variances would be necessary.

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) *the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) *the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) *the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "Hamilton Mountain" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Hamilton Mountain" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
October, 1996	2.45%	1.31%
October, 1997	3.51%	1.66%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
Pre-Conversion	3.51%	1.66%
Post-Conversion	3.50%	1.62%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>293 Mohawk (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>Hamilton Mountain (Oct/97)</u>
One-Bedroom	12	\$688	\$498	\$510
Two-Bedroom	12	\$808	\$603	\$611
Total	24			

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 293 Mohawk Road East Court fails this test as the rental apartment vacancy rate within the Hamilton Mountain local housing market zone as at October, 1997 was recorded at 1.66%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the Hamilton Mountain local housing market zone since October, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the Hamilton Mountain local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 1.66% to approximately 1.61%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. The units within 293 Mohawk Road East are divided equally between one and two-bedroom units. The average market rent for the occupied one and two bedroom units as reported by the agent for the owner is well above both the City of Hamilton average and Hamilton Mountain local housing market zone average. As a result, criteria (iii) has been satisfied as the average market rents at 293 Mohawk Road East are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 293 Mohawk Road East to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 293 Mohawk Road East. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) *the adequate provision of a full range of housing;"*

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	<u>Private</u>		<u>Assisted</u>		<u>Sub- Total</u>	<u>All Starts</u>	<u>Percent Rental</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>			
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive or balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units (subject property);
- 4) 893 Concession Street, Hamilton Mountain, 22 units;
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"Recommendations:

None.

Information:

1. There is an existing Municipal sanitary sewer and storm sewer available to service this development directly.
2. There is an existing Municipal watermain adjacent to this development to service these lands directly.
3. There are no road widening required by the Region.
4. There is no Municipal share of services to be installed for this development.

The submitted plan, as prepared by Consoli & Jacobs Surveying Ltd. and dated March 24, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised the following:

"COMMENTS:

1. The recognized use is a twenty-four (24) unit multiple dwelling with a total of twenty-four (24) parking spaces contained within the building and at grade in the rear yard.
2. The dimensions of the parking spaces, manoeuvring spaces and access driveways have not been indicated. It appears that some of the parking space adjacent to the rear lot line do not have sufficient manoeuvring space."

Building Department staff advised that a revised plan showing appropriate dimensions would be required and, if necessary, Committee of Adjustment variances would be necessary.

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 293 Mohawk Road East would be premature.

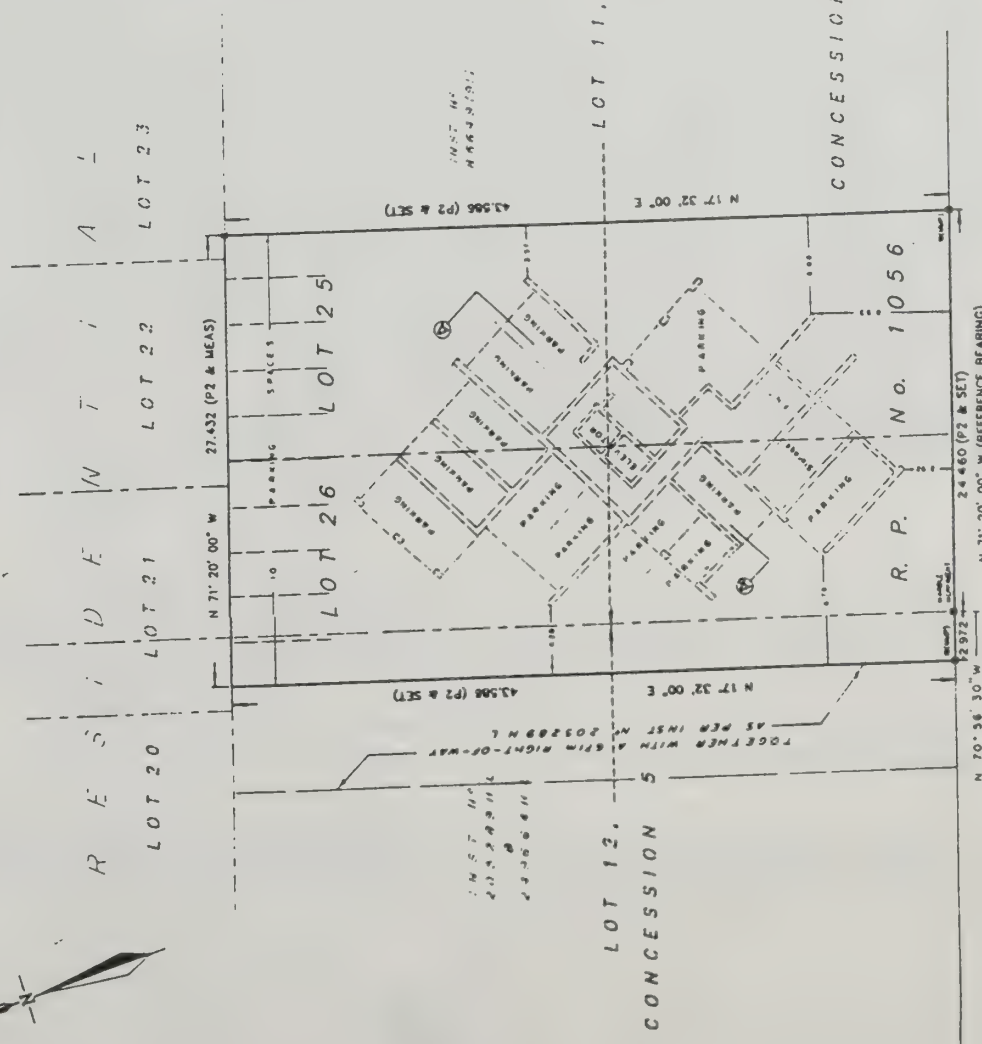
2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 293 Mohawk Road East through the conversion to condominium would adversely affect the adequate provision of a full range of housing.
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 25, 1998).
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

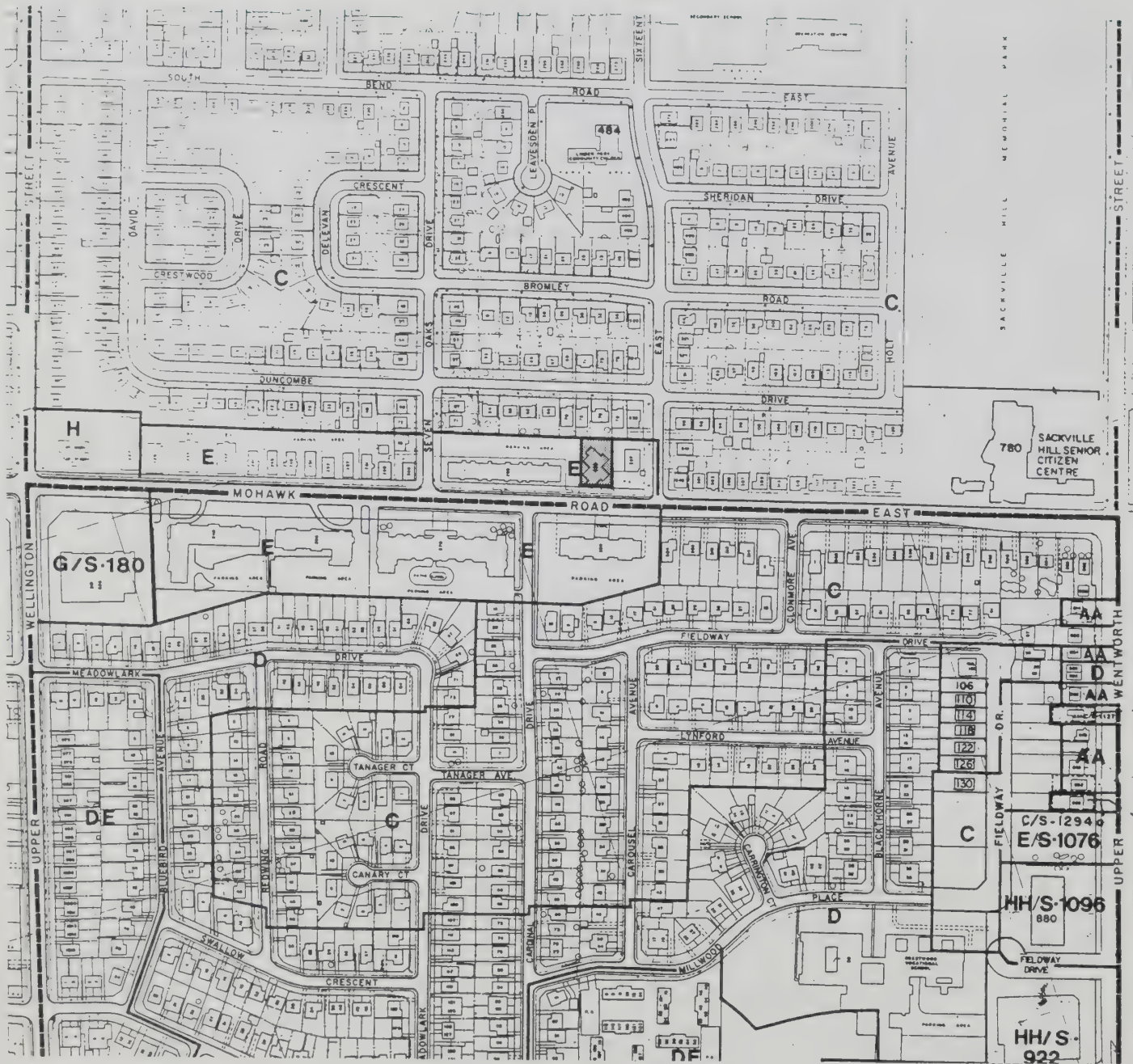
131 JEWELL ST. S., HAMILTON - BRATE 101
TEL (602) - 521-1535 FAX (602) - 521-0088 (LBN 2C3)



MOHAWK ROAD (10.18m WIDE)

(ROAD ALLOWANCE BETWEEN CONCESSIONS 3 & 6)

APPENDIX "B"

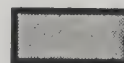


City of Hamilton
Location Plan For

293 Mohawk Road East

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale
Date
August 1998

Reference File No.
CDM-CONV-98-007
(25COM-98009)
Drawn By
FAB

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

APPENDIX "C"

- | | |
|-----------|--|
| Feb 16/98 | City Planning and Development Department staff begin review of the <u>Tenant Protection Act</u> in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation. |
| Mar 10/98 | Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur. |
| Mar 19/98 | City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level. |
| Mar 30/98 | Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level. |
| Apr 4/98 | Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock. |
| Apr 14/98 | Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment. |
| Apr 14/98 | Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment. |
| Apr 21/98 | Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment. |
| Apr 22/98 | Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month. |
| May 5/98 | Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock. |
| May 14/98 | Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee. |
| May 14/98 | Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy. |
| May 23/98 | Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock. |

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

CITY OF HAMILTON
- RECOMMENDATION -

1998

DATE: September 10, 1998
CDM-CONV-98-009
Ainslie Wood West Neighbourhood

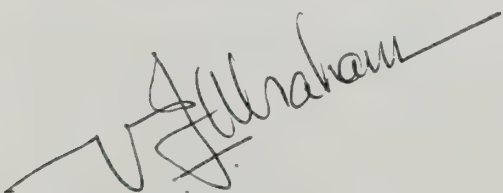
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 37-57 Mericourt Road

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-009 (Regional File 25CDM-98012), Gaspar & Silva Ltd., owner, to establish a draft plan of condominium located at 37-57 Mericourt Road, as shown on APPENDIX "A", be denied for the following reasons:
- (i) the proposal is premature until such time the West End rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Gaspar & Silva Ltd., owner.

Surveyor:

Bryan Jacobs O.L.S., Consoli & Jacobs Surveying Ltd.

Location:

Known municipally as 37-57 Mericourt Road, the subject property is 0.53 ha in size and contains two 3-storey apartment structures constructed in 1958-59 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 66 unit rental residential apartment buildings to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 29 (2 Vacant)
Two-Bedroom	- 37 (8 vacant)
Total	- 66 (10 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:**1. Land Use Designation**

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 29, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

The subject lands are designated "Medium Density Apartments" in the approved Ainslie Wood West Neighbourhood Plan. The proposal does not conflict with the intent of the neighbourhood plan.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. This development consists of two, 33 unit multiple dwellings which were constructed in 1958-59.
2. The location of the buildings are legally established non-conforming.
3. The gross floor area and landscaped area are not indicated, but are legally established non-conforming if existing since construction.
4. The parking area, loading spaces and access driveways are legally established non-conforming if existing since construction."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "West Hamilton" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 5 - West End" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>West Hamilton</u>
October, 1996	2.45%	0.96%
October, 1997	3.51%	0.71%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>West Hamilton</u>
Pre-Conversion	3.51%	0.71%
Post-Conversion	3.48%	0.42%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>37-57 Mericourt (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>West Hamilton (Oct/97)</u>
One-Bedroom	29	\$504	\$498	\$511
Two-Bedroom	<u>37</u>	\$571	\$603	\$609
Total	66			

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 37-57 Mericourt Road fails this test as the rental apartment vacancy rate within the West Hamilton local housing market zone as at October, 1997 was recorded at 0.71%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the West Hamilton local housing market zone since April, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the West Hamilton local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 0.71% to approximately 0.42%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone. Twenty-nine (29) of the total 66 units within 37-57 Mericourt Road are one-bedroom units. The average market rent for the occupied units for these units is slightly above the City of Hamilton average and slightly below the West Hamilton local housing market zone average.

The remaining 37 units within the rental complex are two-bedroom units. The average market rent for the occupied units for these units is below both the City of Hamilton average and the West Hamilton local housing market zone average in the range of 5-6%. However, this range is not considered to be "significantly below" and as such the proposal satisfies this criteria.

Accordingly, the proposed conversion of the rental apartment building at 37-57 Mericourt Road to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 37-57 Mericourt Road. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) *the adequate provision of a full range of housing;"*

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the West End rental sub-market area, the last new rental apartment building constructed was started in June, 1994 at 101 Broadway Avenue (45 units - Municipal (Hamilton) Non-Profit Housing Corporation). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the West End (Zone 5) rental sub-market area was recorded at 0.71% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 0.96%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the West End sub-market area has not been at or above 2.0% since April, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the West End rental sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive, balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the West End rental sub-market area as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the West End sub-market area through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the West End rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
- 4) 893 Concession Street, Hamilton Mountain, 22 units;
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units (subject property).

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"INFORMATION"

- 1) Any works which may occur within the Main Street West road allowance or the Mericourt Road road allowance must conform to the respective Streets By-Laws.

RECOMMENDATIONS

- 1) that the applicant/owner enter into the appropriate agreements, as required, with the City of Hamilton to retain parking spaces 18 and 19 within the Mericourt Road road allowance.

The submitted plan as prepared by Bryan Jacobs, O.L.S. stamped with the date June 25, 1998 is satisfactory to the Regional Environment Department subject to the above noted comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised:

- "1. This development consists of two, 33 unit multiple dwellings which were constructed in 1958-59.
2. The location of the buildings are legally established non-conforming.
3. The gross floor area and landscaped area are not indicated, but are legally established non-conforming if existing since construction.
4. The parking area, loading spaces and access driveways are legally established non-conforming if existing since construction."

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the West End rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 0.71% in October, 1997 and 0.96% in October, 1996. Accordingly, until such time the rental housing marketplace in the West End rental sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 37-57 Mericourt Road would be premature.
2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the West End sub-market area since 1994. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the West End sub-market area since April, 1977, the removal of the rental apartment units at 37-57 Mericourt Road through the conversion to condominium would adversely affect the adequate provision of a full range of housing.

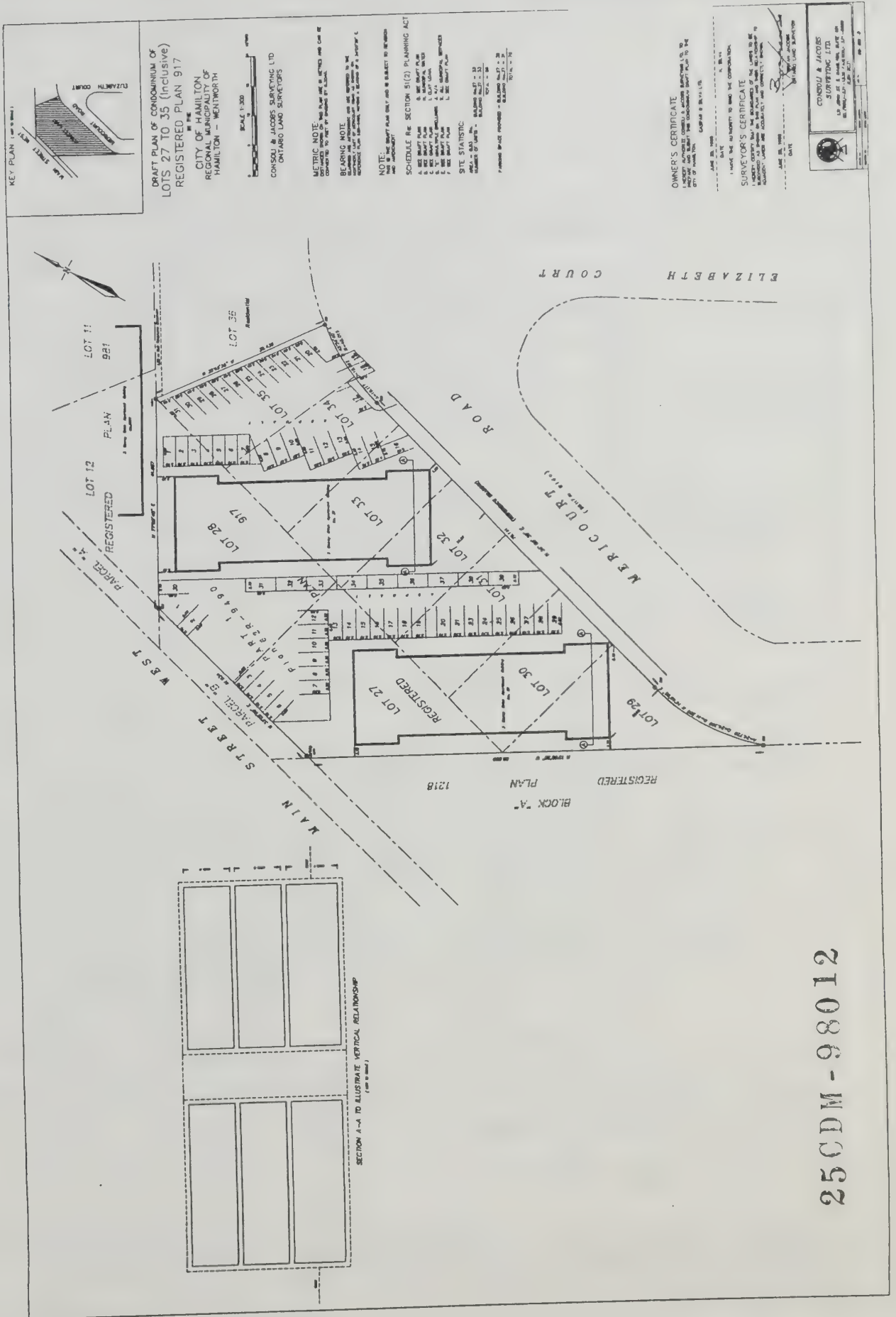
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 29, 1998) and does not conflict with the approved Ainslie Wood West Neighbourhood Plan.
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the West Hamilton local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the West Hamilton local housing market zone further below the 2.0% level.

CONCLUSION:

On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

n:/ke/cdm98009



25CDM-98012

APPENDIX "B"

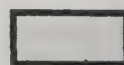


City of Hamilton
Location Plan For

37-57 Mericourt Rd.

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale

Date
July 1998

Reference File No.
CDM -CONV-98-009

Drawn By
R.L.

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

APPENDIX "C"

Feb 16/98	City Planning and Development Department staff begin review of the <u>Tenant Protection Act</u> in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
Mar 10/98	Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
Mar 19/98	City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
Mar 30/98	Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
Apr 4/98	Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
Apr 14/98	Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
Apr 14/98	Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
Apr 21/98	Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
Apr 22/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
May 5/98	Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
May 14/98	Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
May 14/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
May 23/98	Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

CITY OF HAMILTON
- RECOMMENDATION -

2c)

SEP 11 1998

DATE: September 10, 1998
CDM-CONV-98-010
Raleigh Neighbourhood

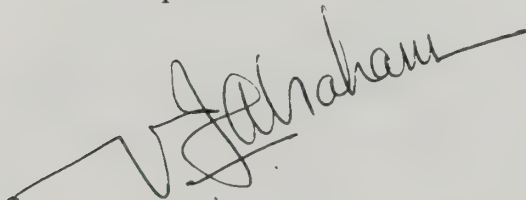
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Proposed Draft Plan of Condominium -
Condominium Conversion, 893 Concession Street

RECOMMENDATIONS:

- (1) That Condominium Conversion Application CDM-CONV-98-010 (Regional File 25CDM-98013), Lapa Investments Ltd., owner, to establish a draft plan of condominium located at 893 Concession Street, as shown on APPENDIX "A", be denied for the following reasons:
 - (i) the proposal is premature until such time the Hamilton Mountain rental sub-market area is in a competitive, balanced situation; and,
 - (ii) the proposal would adversely affect the adequate provision of a full range of housing; and,
 - (iii) the proposal conflicts with criteria (i) and (ii) of the Condominium Conversion policy established by City Council on May 26, 1998.
- (2) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:**Applicant:**

Lapa Investments Ltd., owner.

Surveyor:

M.J. Terry O.L.S., A.J. Clarke and Associates Ltd.

Location:

Known municipally as 893 Concession Street the subject property is 0.096 ha in size and contains a 4-storey apartment structure constructed in 1974 (see APPENDIX "B").

Proposal:

The owner is proposing to convert the existing 22 unit rental residential apartment building to condominium status (see APPENDIX "A"). The bedroom count and vacant units as of June, 1998 are as follows:

One-Bedroom	- 16 (2 vacant)
Two-Bedroom	- 6 (1 vacant)
Total	- 22 (3 vacant)

CURRENT POLICY AND DEVELOPMENT FRAMEWORK:**Hamilton-Wentworth Official Plan:**

The lands are identified as "Urban" within the "Urban Policy Areas" of the Hamilton-Wentworth Official Plan (HWOP). The proposal does not conflict with the intent of the HWOP.

Hamilton Official Plan:**1. Land Use Designation**

The subject lands are designated "Residential", according to Schedule "A" - Land Use Concept. The proposal does not conflict with the intent of the Official Plan.

2. Condominium Conversion Policies - Official Plan Amendment No. 151

At the time this application was formally accepted as complete by the Region of Hamilton-Wentworth on June 30, 1998, the City was in the process of establishing Official Plan policies addressing the issue of condominium conversions and demolitions of rental housing. Appendix "C" provides a detailed chronology of this initiative.

Official Plan Amendment No. 151 was forwarded to the Region of Hamilton-Wentworth for approval on July 22, 1998. A staff report recommending approval of the Amendment was approved by Regional Council on August 12, 1998. On September 3, 1998, notice of appeal to the Ontario Municipal Board (OMB) of the approval of OPA 151 was submitted to the Region; a hearing date has yet to be established by the Board.

Accordingly, OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.

Neighbourhood Plan:

There is no Neighbourhood Plan for the Raleigh Neighbourhood.

Zoning:

The subject lands are zoned "E" (Multiple Dwellings, Lodges, Clubs, Etc.) District. The Building Department has commented as follows:

"COMMENTS:

1. The recognized use is a twenty-one (21) unit multiple dwelling and one (1) medical office with a total of twenty-six (26) parking spaces contained within the building and at grade in the rear yard.
2. The proposed use of a twenty-two (22) unit multiple dwelling requires a minimum of twenty-eight (28) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m).

If the required parking and loading is not provided, Committee of Adjustment approval of variances is necessary."

City's Condominium Conversion Policy:

As part of the background preparatory work for the adoption of the Official Plan Amendment No. 151, Council adopted a formal Condominium Conversion policy on May 26, 1998. This was done to assist in the evaluation of proposed conversions to condominium until such time as the Official Plan Amendment was approved by Council. The key facet of this Council policy states:

"To protect the adequate provision of a full range of housing, conversion to condominium of rental apartment and/or townhouse units comprised of six or more units will be permitted provided all of the following criteria are met:

- (i) *the rental vacancy rate by dwelling/structure type for the City and the respective local housing market zone has been at or above 2.0% for the preceding twenty-four (24) months;*
- (ii) *the proposed conversion will not reduce the rental vacancy rate by dwelling/structure type to below 2.0% for the City and the respective local housing market zone; and,*
- (iii) *the existing market rent levels for the units proposed to be converted are not significantly below the average market rent levels for the City and the respective local housing market zone for rental units of a similar dwelling/structure type."*

The subject property is located within the "Hamilton Mountain" local housing market zone of the Condominium Conversion policy. This City-defined market zone correlates identically with the sub-market area "Zone 6 - Hamilton Mountain" utilized by Canada Mortgage and Housing Corporation (CMHC) for their annual Rental Market Survey, which is conducted every October. The relevant rental apartment market statistics for Council's Condominium Conversion policy are as follows:

Condominium Conversion Policy
Statistical Market Analysis

Rental Apartment Vacancy Rate - Criteria (i):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
October, 1996	2.45%	1.31%
October, 1997	3.51%	1.66%

Impact on Apartment Vacancy Rate - Criteria (ii):

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>
Pre-Conversion	3.51%	1.66%
Post-Conversion	3.50%	1.62%

Average Market Rents - Criteria (iii):

	<u>Unit Count</u>	<u>893 Concession (June/98)</u>	<u>City of Hamilton (Oct/97)</u>	<u>Hamilton Mountain (Oct/97)</u>
One-Bedroom	16	\$515	\$498	\$510
Two-Bedroom	6	\$645	\$603	\$611
Total	22			

Criteria (i) of Council's Condominium Conversion policy requires that the rental vacancy rate for the City and the respective local housing market zone must have been at or above 2.0% for the preceding twenty-four (24) months. The proposed condominium conversion at 893 Concession Street fails this test as the rental apartment vacancy rate within the Hamilton Mountain local housing market zone as at October, 1997 was recorded at 1.66%. Moreover, the rental apartment vacancy rate has not been at or above 2.0% within the Hamilton Mountain local housing market zone since October, 1977.

Criteria (ii) of Council's Condominium Conversion policy requires that the proposed conversion will not reduce the rental vacancy rate to below 2.0% for the City and the respective local housing market zone. The proposed conversion does not reduce the City's rental apartment vacancy rate to below 2.0%; however, within the Hamilton Mountain local housing market zone, the rental apartment vacancy rate is further reduced under the 2.0% level from 1.66% to approximately 1.61%.

Criteria (iii) of Council's Condominium Conversion policy requires that the existing market rent levels for the units proposed to be converted are not to be significantly below the average market rent levels for the City and the respective local housing market zone.

Sixteen (16) of the 22 units within the apartment building at 893 Concession Street are one-bedroom units with the remainder being two-bedroom units. The average market rent for the occupied one and two bedroom units is above both the City of Hamilton average and Hamilton Mountain local housing market zone average. As a result, criteria (iii) has been satisfied as the average market rents at 893 Concession Street are "not significantly below" the average market rent levels for the City and the respective local housing market zone.

Accordingly, the proposed conversion of the rental apartment building at 893 Concession Street to condominium conflicts with the Condominium Conversion policy adopted by City Council on May 26, 1998 as criteria (i) and (ii) have not been met.

CONSIDERATION OF PROPOSED DRAFT PLAN OF CONDOMINIUM:

Background:

The Condominium Act under Section 50 provides direction that the provisions of the Planning Act pertaining to Plans of Subdivision will apply for the approval of a condominium description.

The Planning Act under Section 51(24) provides a number of criteria (12 in total) in considering a draft plan of subdivision/condominium. Staff have reviewed all of the criteria and two specific criteria have been identified that raise concerns in regard to the proposed Plan of Condominium at 893 Concession Street. The preamble to this section of the Planning Act and the two criteria that have raised concerns are as follows:

"In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience and welfare of the present and future inhabitants of the municipality and to,

- (a) *the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;*
- (b) *whether the proposed subdivision is premature or in the public interest;"*

Clause (a) of S.51(24) provides direction to have regard to the matters of provincial interest outlined in section 2 of the Planning Act. Section 2 outlines 16 specific matters of provincial interest and all were reviewed by staff to identify any possible concerns within the context of the proposed Plan of Condominium. One provincial interest was identified as being relevant in the context of the proposed Plan of Condominium and is as follows:

"The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

- (j) *the adequate provision of a full range of housing;"*

Analysis:

The use of the word "*adequate*" in the sentence "the adequate provision of a full range of housing" in section 2(j) of the Planning Act is interpreted as meaning that housing opportunities are available for all households in a community. Moreover, the term "*adequate*" also has the connotation that housing opportunities are not unduly constrained or provided only on a minimal or token basis.

The phrase "*full range of housing*" is taken to mean:

- 1) a range of housing in various structure/dwelling types are available such as single-detached, semi-detached, row/townhouses, and apartments in the form of high-rise buildings, low-rise buildings and accessory apartments in grade-related dwellings; and,
- 2) a range of housing in various forms of tenure are available including rental, owner or co-operative.

The table on the following page is based from statistics provided by CMHC and shows the total number of rental housing dwelling starts in the City of Hamilton from 1990 to the first 3 months of 1998.

Rental Dwelling Starts
City of Hamilton

	<u>Private</u>		<u>Assisted</u>		<u>Sub-</u>	<u>All</u>	<u>Percent</u>
	<u>Row</u>	<u>Apartment</u>	<u>Row</u>	<u>Apartment</u>	<u>Total</u>	<u>Starts</u>	<u>Rental</u>
1998-Q1	8	0	0	0	8	59	13.6%
1997	28	0	0	0	28	722	3.9%
1996	0	0	6	0	6	436	1.4%
1995	0	0	34	177	211	548	38.5%
1994	0	0	13	240	253	741	34.1%
1993	0	0	231	4	235	662	35.5%
1992	0	0	238	181	419	824	50.8%
1991	0	0	443	165	608	971	62.6%
1990	130	7	0	155	292	1502	19.4%

Data Source: Canada Mortgage and Housing Corporation (CMHC).

The CMHC statistics above show that since the termination of the Provincial non-profit and co-operative housing programs in 1995, there have been no new rental apartment starts in the City of Hamilton. Specifically for the Hamilton Mountain, the last new rental apartment buildings constructed were started in May, 1995 at 1100 Limeridge Road East (57 units - Municipal (Hamilton) Non-Profit Housing Corporation) and in September, 1994 at 1365 Limeridge Road East (43 units - Inner City Co-op). CMHC has also indicated there are no "pending starts" of apartment rental housing of either a private or assisted category in the City of Hamilton.

As was identified earlier in this report, the rental apartment vacancy rate for the Hamilton Mountain (Zone 6) rental sub-market area was recorded at 1.66% in October, 1997 by CMHC. In October, 1996, the rental apartment vacancy rate was recorded at 1.31%.

According to CMHC, a rental apartment vacancy rate in the range of 2.0% to 3.0% is generally indicative of a rental housing marketplace that is in a competitive, balanced situation. In this balanced environment, the upward pressure on rents is tempered by the availability of vacant units and there is an adequate degree of choice and selection for prospective tenants. There is essentially a "level playing field" between the needs and interests of both tenants and landlords.

The rental apartment vacancy rate is also a broad indicator of the demand for rental housing units within a particular area. Considering the rental apartment vacancy rate for the Hamilton Mountain has not been at or above 2.0% since October, 1977, this is a firm indication that the demand for rental apartments in this part of Hamilton has, and continues to be, fairly strong.

Since the rental apartment vacancy rate for the Hamilton Mountain sub-market area is under 2.0% at present and has been for a considerable length of time, it is clear the rental housing marketplace in this area of Hamilton is not in a competitive or balanced situation.

In addition, there has been no new construction of rental apartment units since 1995 in the City of Hamilton or the Hamilton Mountain as a result of the termination of the Provincial non-profit and co-operative housing programs and no private apartment rental units constructed since 7 units were started in 1990. As such, removal of rental housing units from the Hamilton Mountain through conversion to condominium would exacerbate the current rental market situation.

Accordingly, until the rental apartment housing marketplace for the Hamilton Mountain rental sub-market area is in a more competitive and balanced situation, the approval of rental apartment units for conversion to condominium would be premature and, in addition, the proposal would adversely affect the "adequate provision of a full range of housing" which is a matter of Provincial interest as outlined in the Planning Act.

OVERALL RENTAL MARKET IMPACT:

In addition to this specific proposal for conversion to condominium, there are five other applications within the City of Hamilton for converting rental apartment buildings to condominium. The municipal address, the respective sub-market area/local housing market zone and the number of units affected for all six applications are noted below:

- 1) 11 Kendale Court, Hamilton Mountain, 101 units;
- 2) 21 Kendale Court, Hamilton Mountain, 101 units;
- 3) 293 Mohawk Road East, Hamilton Mountain, 24 units;
- 4) 893 Concession Street, Hamilton Mountain, 22 units (subject property);
- 5) 1950 Main Street West, West End/West Hamilton, 88 units; and,
- 6) 37-57 Mericourt Road, West End/West Hamilton, 66 units.

The cumulative impact of converting these units to condominium was assessed at the City of Hamilton level and at the respective sub-market area/local housing market zone level. For demonstrative purposes, the effect on the rental apartment vacancy rates as at October, 1997 if all the conversions occurred in their respective sub-market area/local housing market zone would be estimated as follows:

	<u>City of Hamilton</u>	<u>Hamilton Mountain</u>	<u>West End/ West Hamilton</u>
Pre-Conversion	3.51%	1.66%	0.71%
Post-Conversion	3.42%	1.49%	0.40%

In all three geographic areas, the rental apartment vacancy rate would experience a slight decline.

COMMENTS FROM CIRCULATION:

The Regional Environment Department, Development Engineering Section advised the following:

"Recommendations:

None.

Information:

1. There is an existing Municipal sewer available to service this development directly.
2. There is an existing Municipal watermain adjacent to this development to service these lands directly.
3. There are no road widening required by the Region.
4. There is no Municipal share of services to be installed for this development.

The submitted plan, as prepared by A.J. Clarke and Associates Limited, signed by M.J. Terry and dated June 29, 1998, is satisfactory to the Regional Environment Department, subject to the above comments and recommendations."

The Traffic Division, Department of Public Works and Traffic advised that they have "no comments."

The Building Department advised the following:

"COMMENTS:

1. The recognized use is a twenty-one (21) unit multiple dwelling and one (1) medical office with a total of twenty-six (26) parking spaces contained within the building and at grade in the rear yard.
2. The proposed use of a twenty-two (22) unit multiple dwelling requires a minimum of twenty-eight (28) parking spaces and one (1) loading space (3.7m x 9.0m x 4.3m).

If the required parking and loading is not provided, Committee of Adjustment approval of variances is necessary."

COMMENTS:

1. A rental apartment vacancy rate in the range of 2.0% to 3.0% is indicative of a healthy, competitive and balanced rental housing marketplace. The rental apartment vacancy rate for the Hamilton Mountain rental sub-market area was recorded by Canada Mortgage and Housing Corporation at 1.66% in October, 1997 and 1.31% in October, 1996. Accordingly, until such time the rental housing marketplace in the Hamilton Mountain sub-market area is in a balanced, competitive situation, approval of the proposed Plan of Condominium for 893 Concession Street would be premature.

2. There has been no new construction of rental apartment units in the City of Hamilton or specifically within the Hamilton Mountain since 1995. Further, in recognition that the rental apartment vacancy rate has not been at or above 2.0% for the Hamilton Mountain since October, 1977, the removal of the rental apartment units at 893 Concession Street through the conversion to condominium would adversely affect the adequate provision of a full range of housing.
3. Hamilton Official Plan Amendment No. 151 has been appealed to the Ontario Municipal Board. This OPA outlines criteria in which proposed conversions to condominium and demolitions can occur. OPA No. 151 will not be in effect until the day after all appeals have been withdrawn or dismissed by the Board.
4. The proposal does not conflict with the intent of the Official Plan at the time the application was deemed complete (June 30, 1998).
5. The proposed conversion conflicts with criteria (i) and (ii) of the Condominium Conversion policy adopted by Council on May 26, 1998. The rental apartment vacancy rate has been below 2.0% within the Hamilton Mountain local housing market zone for both October, 1996 and October, 1997. Further, removal of the rental units will reduce the rental apartment vacancy rate in the Hamilton Mountain local housing market zone further below the 2.0% level.

CONCLUSION:

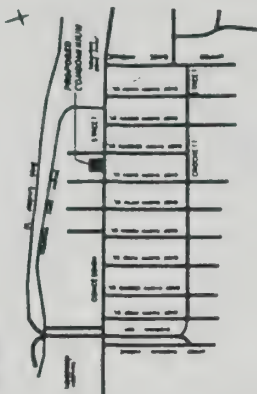
On the basis of the forgoing, the proposed plan of condominium cannot be supported.

KE/ke

n:/ke/cdm98010

KEY PLAN

SCALE 1:1000



DRIFT PLAN OF

White Condominium

BEING A PROPOSED CONDOMINIUM OF
LOTS 6, 7 AND 8 - WENTWORTH HEIGHTS SURVEY
REGISTERED PLAN NO 610

CITY OF HAMILTON

REGIONAL MUNICIPALITY OF HAMILTON-WENTWORTH

SCALE 1:300

M. J. TERRY OLS

NOTE: THIS IS A DRAFT PLAN ONLY AND IS SUBJECT TO REVISION AND AMENDMENT.

METRIC: DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND
MAY BE CONVERTED TO FEET BY DIVIDING BY 0.3048

RE: CHAPTER 2, IS.A.S.O. 1980, SECTION 4(1)

THE PLANNING ACT

- A. BOOKEN ON PLAN
- B. BOOKEN ON PLAN
- C. BOOKEN ON PLAN
- D. BOOKEN ON PLAN
- E. BOOKEN ON PLAN
- F. BOOKEN ON PLAN
- G. BOOKEN ON PLAN
- H. BOOKEN ON PLAN
- I. BOOKEN ON PLAN
- J. BOOKEN ON PLAN
- K. BOOKEN ON PLAN
- L. BOOKEN ON PLAN
- M. BOOKEN ON PLAN
- N. BOOKEN ON PLAN
- O. BOOKEN ON PLAN
- P. BOOKEN ON PLAN
- Q. BOOKEN ON PLAN
- R. BOOKEN ON PLAN
- S. BOOKEN ON PLAN
- T. BOOKEN ON PLAN
- U. BOOKEN ON PLAN
- V. BOOKEN ON PLAN
- W. BOOKEN ON PLAN
- X. BOOKEN ON PLAN
- Y. BOOKEN ON PLAN
- Z. BOOKEN ON PLAN

SURVEYOR'S CERTIFICATE

I, the undersigned, being a duly qualified and licensed surveyor, do hereby certify that the foregoing plan and map have been prepared by me or under my direct supervision and that the same are true and correct in accordance with the provisions of the Planning Act.

SIGNED: _____

DATE: _____

BY: _____

ON: _____

AT: _____

IN: _____

FOR: _____

TO: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

BY: _____

DATE: _____

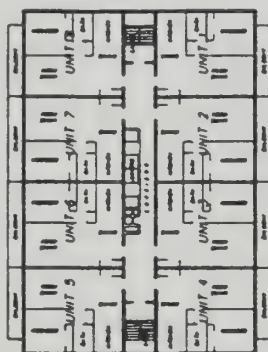
BY: _____

DATE: _____

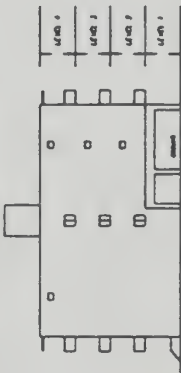
BY: _____

UNIT LAYOUT ON LEVEL 4

(Scale 1:100)



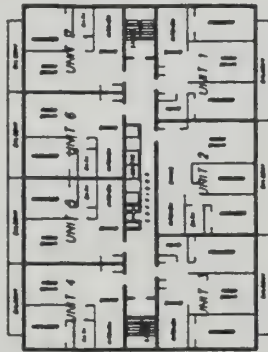
EAST ELEVATION TO ILLUSTRATE LEVELS



EAST 37th STREET

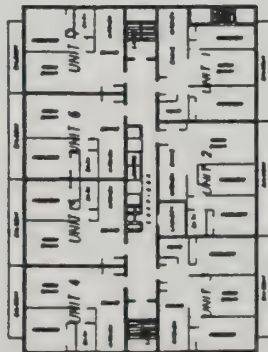
UNIT LAYOUT ON LEVEL 3

(Scale 1:100)



UNIT LAYOUT ON LEVEL 2

(Scale 1:100)



EXISTING 'C' ZONING DESIGNATION

LOT 3

LOT 11

EXISTING 'C' ZONING DESIGNATION

REGISTERED PLAN No. 610

LOT 4

LOT 5

LOT 6

LOT 7

LOT 8

LOT 9

LOT 10

LOT 11

EAST 36th STREET

CONCESSION STREET

EXISTING 'C' ZONING DESIGNATION

EXISTING 'C' ZONING DESIGNATION

25(1)DM-98013

A. J. Clarke and Associates Ltd.

Ontario Land Surveyors - Civil Engineers

155 JAMES STREET EAST, SUITE 100

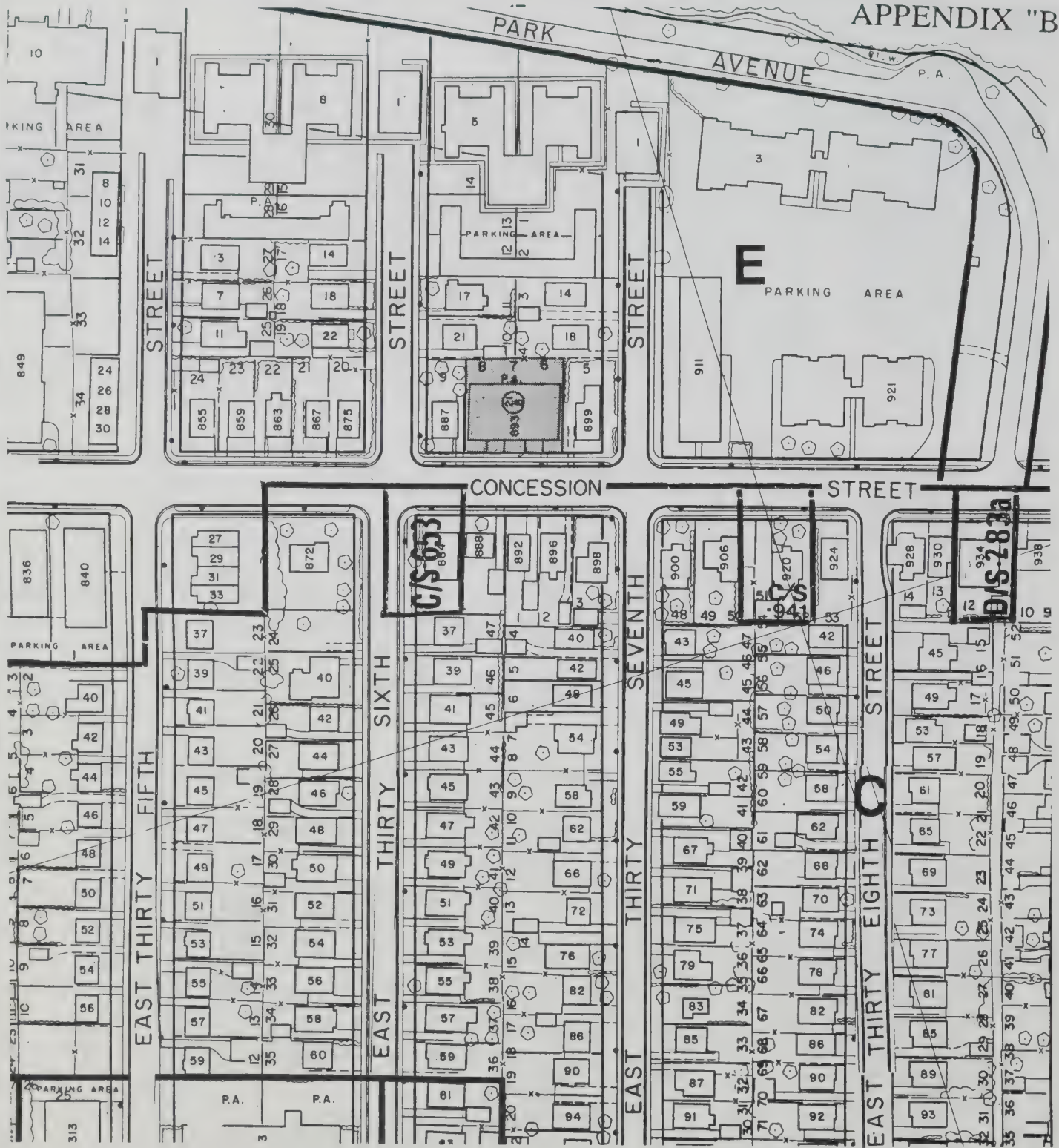
MISSISSAUGA, ONTARIO L4Y 1A1, CANADA

TEL: (905) 276-1111 / FAX: (905) 276-1112

155 JAMES STREET EAST, SUITE 100

MISSISSAUGA, ONTARIO L4Y 1A1, CANADA

TEL: (905) 276-1111 / FAX: (905) 276-1112

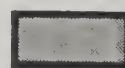


City of Hamilton
Location Plan For

893 Concession Street

Planning and Development Department

Legend



Location of Subject Lands

North



Scale
Not to Scale
Date
August 1998

Reference File No.
CDM-CONV-98-010
(25CDM-98013)
Drawn By
FAB

**Chronology of Key Events and Actions
Proposed Official Plan Amendment
Protection of the Rental Housing Stock**

APPENDIX "C"

Feb 16/98	City Planning and Development Department staff begin review of the <u>Tenant Protection Act</u> in the context of condominium conversions. Contact initiated with other municipalities, the Province and Canada Mortgage and Housing Corporation.
Mar 10/98	Staff from Regional Environment Department provide written comments to City Planning staff on draft Official Plan policies proposing criteria in which proposed condominium conversions and demolitions would occur.
Mar 19/98	City Planning staff attend meeting of Social Housing and Action Committee (SHAC) to discuss concepts of rental housing protection at the municipal level.
Mar 30/98	Telephone conversation with Executive Director of Hamilton & District Apartment Association (HDAA) to discuss concepts of rental housing protection at the municipal level.
Apr 4/98	Newspaper advertisement in Hamilton Spectator providing notification of a Public Meeting of the Planning and Development Committee on April 22, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
Apr 14/98	Correspondence received from SHAC commenting on desired objectives in proposed Official Plan Amendment.
Apr 14/98	Correspondence received from HDAA commenting on desired objectives in proposed Official Plan Amendment.
Apr 21/98	Correspondence received from the Niagara Escarpment Commission in regard to the proposed Official Plan Amendment.
Apr 22/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment; recommendation report tabled for a period of one month.
May 5/98	Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on May 14, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.
May 14/98	Correspondence received questioning the timing of the public notification advertisement for the May 14, 1998 Public Meeting of the Planning and Development Committee.
May 14/98	Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. It was agreed by Committee to hold another Public Meeting in June and adopt the staff Condominium Conversion recommendation as a policy.
May 23/98	Newspaper advertisement in <u>Hamilton Spectator</u> providing notification of a Public Meeting of the Planning and Development Committee on June 24, 1998 in regard to a proposed Official Plan Amendment addressing condominium conversions and demolitions of rental housing stock.

- May 25/98 Correspondence received commenting on the City's Condominium Conversion policy and the legal basis of the proposed Official Plan Amendment.
- May 26/98 City Council formally adopts the Condominium Conversion policy as recommended by the Planning and Development Committee.
- Jun 4/98 City Planning staff meet with the Executive Director of the Hamilton & District Apartment Association to discuss the proposed Official Plan Amendment.
- Jun 5/98 City Planning staff discuss proposed Official Plan Amendment with owner/agent of previous condominium conversion applications in Hamilton.
- Jun 8/98 City Planning and City Law staff meet with representatives of the Hamilton-Halton Home Builders' Association and other guests to discuss the proposed Official Plan Amendment.
- Jun 17/98 The Tenant Protection Act is proclaimed in force. Accordingly, The Rental Housing Protection Act is repealed.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98006 (11 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98007 (21 Kendale Court) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 18/98 Application for proposed Plan of Condominium 25CDM-98008 (65 Mount Albion Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 24/98 Public Meeting of the Planning and Development Committee to consider proposed Official Plan Amendment. Proposed Official Plan Amendment is approved by Committee.
- Jun 25/98 Application for proposed Plan of Condominium 25CDM-98009 (293 Mohawk Road East) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98011 (1950 Main Street West) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 29/98 Application for proposed Plan of Condominium 25CDM-98012 (37-57 Mericourt Road) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.
- Jun 30/98 Application for proposed Plan of Condominium 25CDM-98013 (893 Concession Street) accepted as complete by Regional Environment Department; circulated to City of Hamilton for comments.

- Jun 30/98 City Council approves a revised Official Plan Amendment that provides a criteria by which to evaluate proposed condominium conversions and demolitions. Condominium Conversion policy adopted previously by Council is rescinded.
- Jul 7/98 Official Plan Amendment No. 151 is adopted by City Council by By-Law #98-197.
- Jul 22/98 Official Plan Amendment No. 151 is forwarded to the Region of Hamilton-Wentworth for approval.
- Aug 12/98 Regional Council recommends that Official Plan Amendment No. 151 be approved by the Commissioner of the Regional Environment Department.
- Aug 17/98 Notice of decision of Official Plan Amendment No. 151 by the Region of Hamilton-Wentworth.
- Sep 3/98 Notice of appeal of Official Plan Amendment No. 151 is submitted to the Region of Hamilton-Wentworth.

CAY ON HBL A05
C51P4
1998



NOTICE OF MEETING
PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 October 7
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

OCT 5 1998

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

1. PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Request for an Official Plan Amendment and Amended Zoning Application 98-23, by FDJ Holdings Inc., owner, for a change in zoning for lands south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court, located at the rear of 2420 - 2434 Barton St. East.

2. REFERRALS BACK FROM COUNCIL

- (a) Correspondence from the Ainslie Wood/Westdale Community Association, dated 1998 September 17
- (b) Items 2, 3, and 4 of the SIXTEENTH report of the Planning and Development Committee for 1998 regarding draft plans of condominium for :
 - (i) 293 Mohawk Road east
 - (ii) 37-57 Mericourt Road
 - (iii) 893 Concession Street

3. DIRECTOR OF PLANNING AND DEVELOPMENT

- (a) Selection of Consultants - Downtown Secondary Plan
- (b) Request for Security Reduction – Site Plan DA-98-04, 216 Wilson Street

4. CONSENT AGENDA

5. PRIVATE AND CONFIDENTIAL AGENDA

6. OTHER BUSINESS

7. ADJOURNMENT



PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
3.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
4.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
5.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
6.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
7.	Planning Tariff Fees – Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
8.	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
9.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
10.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
11.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
12.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
13.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
14.	Issuance of Orders under the Property Standards By-law	1998 September 23	Building Staff to Report on Notification policies	Pending
15.	Convert/Renovate-to-Residential Loan Program & the Downtown Heritage Core 2000 Program	1998 September 23	Staff to prepare a report on additional Financing	Pending
	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 September 24
ZAC-98-23
Kentley Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for an Official Plan Amendment and change in zoning for lands south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East

SECOND REPORT

RECOMMENDATION:

- (a) That approval be given to Official Plan Amendment No. to redesignate Block "3", as shown on the attached map marked as APPENDIX "A" from "Residential" to "Commercial" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth.
- (b) That approval be given to Amended Zoning Application ZAC-98-23, FDJ Holdings Inc., owner, for a modification to the established "JJ" (Restricted Light Industrial) District (Block "1") and "Lmr-1" (Planned Development - Multiple Residential) District (Block "2"), and for a change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "3"), to permit the use of Blocks "1" and "2" for temporary parking for a maximum of three (3) years and Block "3" for commercial uses in conjunction with the existing commercial uses, for lands located south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East, as shown on the attached map marked as APPENDIX "A", on the following basis:
 - (i) That Block "3" be rezoned from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District;

- (ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A. of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances, as special requirements:
 - (a) that notwithstanding Section 16A.(1), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period not exceeding three-years from the day of the passing of the By-law shall be permitted;
 - (b) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line and along the westerly lot line; and,
 - (c) no vehicular access shall be permitted to Eastgate Court;
- (iii) That the "L-mr-1" (Planned Development - Multiple Residential) District regulations as contained in Section 17B of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances, as special requirements:
 - (a) that notwithstanding Section 17B.(6)(a)(ii), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period not exceeding three-years from the day of the passing of the By-law shall be permitted;
 - (b) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line; and,
 - (c) no vehicular access shall be permitted to Eastgate Court;
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-103 and E-104 for presentation to City Council;
- (v) That the proposed modification in zoning for Blocks "1" and "2" is in conformity with the Official Plan for the Hamilton Planning Area and that the proposed change in zoning for Block "3" will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. by the Regional Municipality of Hamilton Wentworth;

- (c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding Blocks "1" and "2" to Schedule "A".

The purpose of the proposed Official Plan Amendment is to redesignate Block "3", as shown on the attached map marked as APPENDIX "A", from "Residential" to "Commercial" to permit the development of the subject lands for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East.

The purpose of the proposed by-law is to provide for modifications to the established zoning and for a change in zoning for property located south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East on the following basis:

- | | | |
|-----------|---|--|
| Block "1" | - | modification to the established "JJ" (Restricted Light Industrial) District; |
| Block "2" | - | modification to the established "Lmr-1" (Planned Development - Multiple Residential) District; and, |
| Block "3" | - | change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District. |

The effect of the By-law is to permit the use of Blocks "1" and "2" for temporary parking for a maximum of three (3) years, and Block "3" for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East.

In addition, the By-law provides the following special requirements for Blocks "1" and "2":

- requires that for Blocks "1" and "2" a minimum 3.0 m wide planting strip with a visual barrier not less than 1.2 m and not greater than 2.0 m in height be provided and maintained along the southerly lot line, and also be provided along the westerly limits of Block "1"; and,
- prohibits vehicular access from Blocks "1" and "2" onto Eastgate Court.

Wahakam

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application for an Official Plan Amendment and change in zoning is to permit the use of Block "3" for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East, and for a modification in zoning to permit the use of Blocks "1" and "2" for temporary parking for a maximum of three (3) years (see Appendix "A").

Amended Zoning Application

The applicant has requested that the zoning application be amended to permit the use of Blocks "1" and "2" for temporary parking for a maximum of three (3) years. The application, as originally submitted, was for a change in zoning from "JJ" (Restricted Light Industrial District to "RT-30" - 'H' (Street - Townhouse - Holding) District (Block "1") and for a change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "RT-30" - 'H' (Street - Townhouse - Holding) District (Block "2") to permit the development of Blocks "1" and "2" for street townhouse dwellings.

Planning and Development Committee Meeting

A public meeting of the Planning and Development Committee was scheduled for August 5, 1998 to consider the original application. At the request of the Ward Alderman, the application was tabled until such time as a neighbourhood meeting could be held for information purposes regarding the proposed changes in development.

Neighbourhood Meeting

A neighbourhood meeting was held on August 27, 1998, to consider the proposed changes in zoning. The meeting was attended by the Ward Aldermen, area residents, the applicant and City Staff. At the meeting, the area residents expressed opposition to the proposed street townhouse development due to traffic related concerns. As a result of the neighbourhood meeting, the applicant has amended the application for Blocks "1" and "2" from the proposed street townhouse units to a temporary parking lot until such time as land assembly with the abutting lands to the east has occurred.

APPLICANT:

FDJ Holdings Inc., owner.

LOT SIZE AND AREA:

The subject lands are irregular in shape and have:

- 61.5 m of lot frontage along Eastgate Court;
- a maximum lot depth of 66.1 m; and
- 3,355 m² of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Automotive storage, vehicular parking and vacant lands	"JJ" (Restricted Light Industrial) District and "Lmr-1" (Planned Development - Multiple Residential) District
<u>Surrounding Land Use</u>		
to the north	Commercial uses (autobody repair shop and retail uses)	"HH" (Restricted Community Shopping and Commercial, etc.) District and "JJ" (Restricted Light Industrial) District
to the south	Single Family Dwellings	"C" (Urban Protected Residential) District
to the west	Vacant and City Sanitation Yard	"JJ" (Restricted Light Industrial) District
to the east	Vacant	"G-3" (Public Parking Lots) District

OFFICIAL PLAN:

With respect to Block "3", the subject lands are designated **Residential** on Schedule 'A' - Land Use Concept of the City of Hamilton Official Plan. An Official Plan Amendment is required to redesignate Block "3" from "Residential" to "Commercial" to permit the development of the subject lands for commercial uses in conjunction with the existing commercial uses located at 2420 and 2434 Barton Street East.

Blocks "1" and "2" are designated "RESIDENTIAL" on Schedule "A" the Land Use Concept Plan of the Official Plan, and subject to among others, the following policies:

"A.2.1.1 The primary uses permitted in the areas designated on Schedule "A" as Residential will be for dwellings."

Parking is not a permitted use within the RESIDENTIAL designation. However, Policy B.3.3.9 regarding "temporary" parking lots, can be applied.

"B.3.3.9 In accordance with the Planning Act, and Sub-section D.3 of this Plan, those lands that are vacant and which may be advantageously utilized to relieve PARKING difficulties in the City may be authorized by Council to be used as "temporary" PARKING lots, notwithstanding their designations on Schedule "A", subject to the following:

- i) Temporary PARKING areas will not unduly impede pedestrian movement, or the use of Residential Open Space or other public lands;
- ii) Temporary PARKING areas will be sited and designed to reflect the best interests of the local area;
- iii) The use of such vacant lands for temporary parking will not exceed three (3) years; and,
- iv) Notwithstanding the above, Council may extend approval for temporary PARKING for additional periods as provided for in clause iii) above, upon termination of the approval period where specific applications to Council for such extended approval is made."

Based on the foregoing, the proposal modification in zoning for Blocks "1" and "2" complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Attached Housing" in the approved Kentley Neighbourhood Plan. An amendment to the Neighbourhood Plan is required to redesignate Block "3" from

"Attached Housing" to "Commercial".

COMMENTS RECEIVED:

- The Streets and Sanitation Division, Department of Public Works and Traffic has advised of the following:

"We have reviewed this application for Rezoning and Official Plan Amendment. It appears to be in compliance with the Proposed Plan for that location in that this area is to be residential. However, in many ways, the situation here resembles that of the Lapp property in that the concerns are similar except for the twenty-four (24) hour operations of the Chedoke Yard which will not likely happen at our Sanitation Yard at 2418 Barton Street East.

Our concerns here include noise, fumes, odour, visual problems and hours of operation. Specifically:

- 1) **Noise:** The operation of 30 diesel trucks provides a fair bit of noise; diesels are notoriously noisy and therefore significant sound insulation should be part of this development.
- 2) **Fumes:** Again, diesel engine operation generates a pungent odour of its own which may cause health concerns and certainly irritation from the potential residents of this area.
- 3) **Odours:** In addition to the exhaust fumes noted above is the distinctive smell of garbage that is a fact of life in a yard such as at 2418 Barton Street East. Even though these trucks are cleaned regularly, that smell is, I believe, unavoidable. Back yard barbecues would not be the pleasant pastime that they should be in such a location.
- 4) **Hours of Operation:** The official hours of operation are 7:00 am to 3:00 pm but reality is that these trucks are running by 6:30 am. In addition, on weeks that contain Statutory Holidays, this yard works Saturdays as well.
- 5) **Visual Problems:** The sight of a Sanitation Yard is, inherently, not aesthetically pleasing. Residents would not, I suspect, enjoy the view of parked garbage packers while looking out their windows.

Recommendations:

- 1) That a warning clause be placed on title to the subject lands that our yard exists and to expect the impacts noted above.

- 2) That special measures be required to mitigate the visual, noise and odour impacts. These measures could include sound and visual barriers and air filtering for internal air quality. Unfortunately, nothing could likely be done (short of moving our yard) to improve outdoor air quality in a residential setting."

- The Building Department has advised:

- "1. Maximum permitted height of three storeys and no structure other than a building shall exceed 11.0m in height.
2. RT-30 requires a lot area of not less than 180.0 m² for each single family dwelling unit and a width of not less than 6.0 m for each dwelling unit.
3. Not more than eight single family dwelling units shall be attached in a continuous row.
4. No concept drawing submitted to determine maximum number of townhouse dwelling units, yards, etc.
5. The application proposes that the parcel shown as Part 2, is to be rezoned from "Lmr-1" to "HH" District and used in conjunction with the existing buildings at 2434 and 2420 Barton Street East. Our records indicate that 2420 Barton Street East is an autobody and fender repair shop and is located in the "JJ" District. The building known as 2434 may be a retail store (specific use not indicated). The "HH" District does not permit an autobody and fender repair shop. Therefore, these lands are not to be used in conjunction with a use not permitted."

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and find it satisfactory."

- The Regional Environment Department, Development Division, has advised that:

- "1. There are public watermains and separate storm and sanitary sewers available to service the proposed development.
2. The designated road allowance width of Barton Street is 36.58m. In accordance with this designation the applicant should be advised of a future road allowance widening on Barton Street shown as the remainder of Parts 50 and 51 on Reference Plan 62R-222.

3. It appears that lands to be rezoned to RT-30 will be severed and require access to Eastgate Court. As a condition of development/severance approval we will require that the applicant/owner pay all outstanding servicing and land costs to the City of Hamilton and the Region of Hamilton-Wentworth to lift a portion of the .3048 reserve on Eastgate Court shown as Block 33 on Plan 62M-666. The applicant/owner will also be responsible to the cost of preparing the required reference plans to identify the limits of the .3048m reserve to be lifted.
4. Specific comments with respect to access, grading, sightlines, etc. will be submitted at such time as detailed plans are submitted to our Office through the site plan application process."

- The Regional Environment Department, Planning Division have advised that:

"REGIONAL COMMENTS:

The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan (HWOP).

A portion of the subject lands (i.e. Block 1) is presently used for auto body repair shop purposes, and is adjacent to a Public Works Sanitation Yard. Therefore, the potential exists for site contamination and concerns with respect to noise, fumes, odour, visual problems and hours of operation. Since residential development is proposed for this site, the proposal must conform to Policy B-2.3 "Contaminated Site Remediation", of the HWOP (Policies attached).

PROVINCIAL COMMENTS:

The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. Since the proposed residential development is located on lands presently used for auto body repair shop purposes, and is adjacent to a Public Works Sanitation Yard, which have potential for having both site contamination and noise and/or odour impacts, the application requires further demonstration of how it has regard for the following PPS policies:

1. Efficient, Cost-effective Development and Land Use Patterns
 - 1.1 Developing Strong Communities
 - 1.1.1 Subject to the provision of Policy 1.1.2, cost-effective development patterns will be promoted. Accordingly:
 - f) Development and land use patterns which may cause environmental or public health and safety concerns will be avoided;

1.1.3 Long term economic prosperity will be supported by:

- g) planning so that major facilities (such as airports, transportation corridors, sewage treatment facilities, waste management systems, and industries) and sensitive land uses are appropriately designed, buffered and/or separated from each other to prevent adverse effects from odour, noise and other contaminants.

With respect to this particular policy pertaining to Land Use Compatibility, the subject lands are adjacent to a Class I industry (i.e. auto body repair shop), which requires a minimum separation distance between a sensitive land use of 20 metres, and a Class II industry (i.e. public works sanitation yard), which requires a minimum separation distance a 70 metres. The proposal appears to meet these distance requirements as specified in the Ministry of Environment's (MOE) "Manual of Guidelines and Procedures, Part D, Land Use - Guideline D-6, Compatibility Between Industrial Facilities and Sensitive Land Uses".

However, due to the proximity of these industrial uses to the proposed residential development, and the resulting presence of noise, dust and odour, the proponent must provide studies that demonstrate that the development will not be adversely affected by noise, dust and odour (refer to Section 4.6 "Studies" of the above noted MOE Guidelines).

3. Public Health and Safety

3.2 Human-made Hazards

- 3.2.2. Contaminated Sites will be restored as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effect.

Therefore, approval of this application be conditional upon the following:

- 1) The applicant submit a signed Record of Site Condition (RSC) to the Region and the Ministry of Environment (MOE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the MOE.
- 2) The applicant submit to the satisfaction of the Region the necessary studies which demonstrate that the development will not be adversely affected by noise, dust and odour."

COMMENTS:

- 1. With respect to Blocks "1" and "2", the proposal complies with the intent of the Official Plan which permits the temporary use of vacant land for parking purposes in accordance with Subsections B.3.3.9 and D.3.8 of the Official Plan. Upon approval of the proposed

Official Plan Amendment for Block "3", the proposed commercial development will comply with the Official Plan.

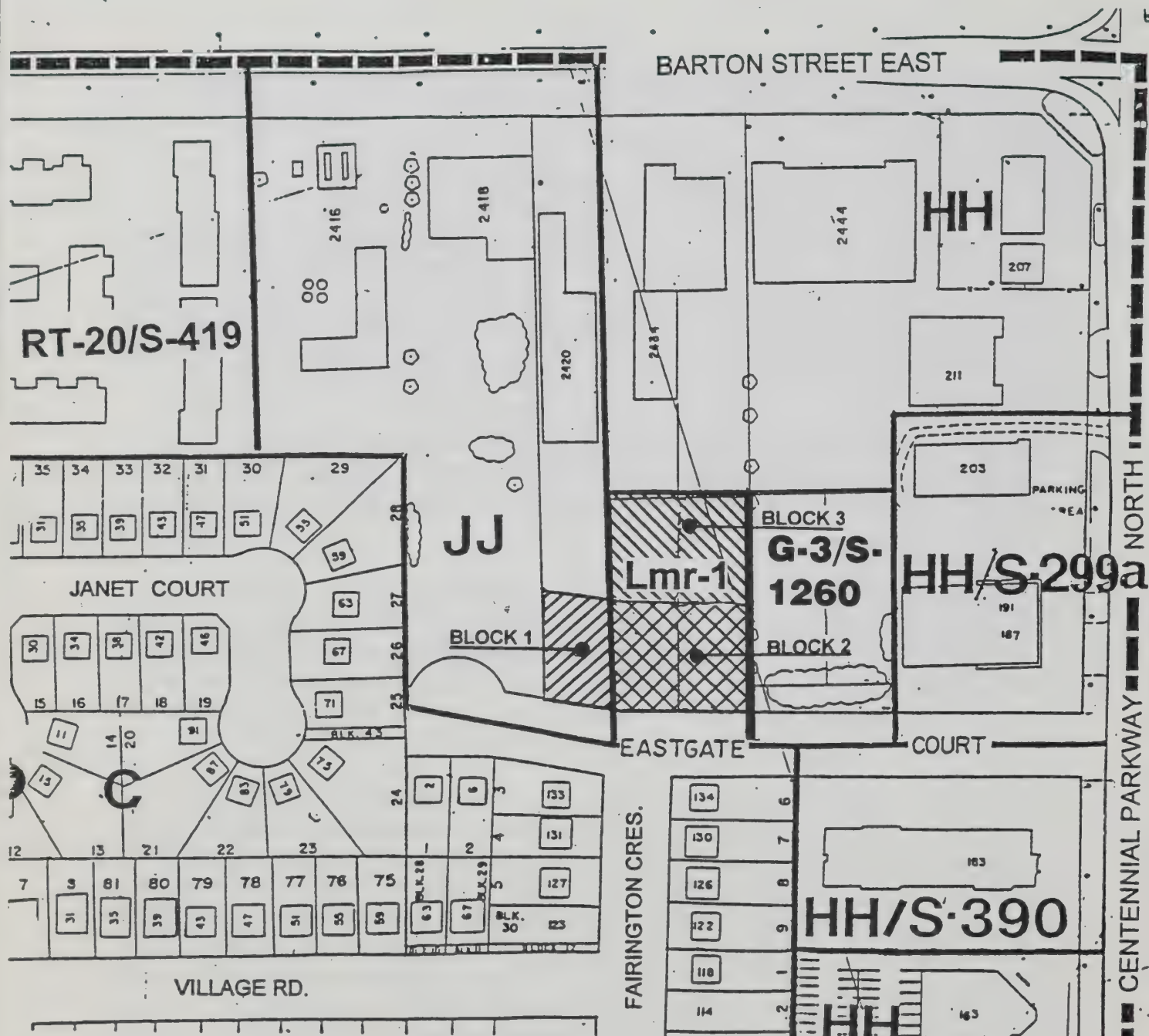
2. The proposal conforms with Section 39 of the Planning Act.
3. Approval of the application would not prejudice the future use of the subject lands for attached housing development in accordance with the approved Kentley Neighbourhood Plan. In addition, the proposed temporary parking lot would be compatible with the abutting lands to the east which were rezoned from "Lmr-1" District to "G-3" District for additional parking for the commercial uses fronting onto Centennial Parkway North and Barton Street East.
4. The Building Department has advised that based on the submitted application form, the applicant is proposing that the parcel shown as Block "3" is to be rezoned from "Lmr-1" to "HH" District and used in conjunction with the existing buildings at 2434 and 2420 Barton Street East.

An autobody and fender repair shop is located at 2420 Barton Street East which is a permitted use in the "JJ" District. The building known as 2434 is a retail store and is located in the "HH" District. The Building Department has advised that the provisions of the "HH" District do not permit an autobody and fender repair shop. Therefore, under the provisions of the Zoning By-law, Block "3" cannot be used in conjunction with a use not permitted (i.e. an autobody and fender repair shop).

5. The approved Kentley Neighbourhood Plan shows a 4.5 m (15 ft) planting strip to provide a buffer for residential development from the existing industrial and commercial uses to the north. The buffer would be provided by the industrial and commercial uses at the time of redevelopment. Until such time as Blocks "1" and "2" are redeveloped, a buffer should be provided along the southerly lot line where it abuts Eastgate Court. Also, a 3.0 m wide landscaped planting strip is to be required along the westerly (side) lot line. Within the planting strip, a visual barrier 1.2 - 2.0 m in height should also be required.
6. The "JJ" (Restricted Light Industrial District and the "Lmr-1" (Planned Development - Multiple Residential) District are not subject to Site Plan Control. As the proposed use is considered to be a commercial use, it is appropriate that the subject lands be placed under site plan control so that matters such as landscaping, fencing, grading, access, etc., can be further reviewed.

CONCLUSION:

Based on the foregoing, the amended application can be supported.



Legend

Proposed change in zoning:

BLOCK 1



Modification to the "JJ" (Restricted Light Industrial) District

BLOCK 2



Modification to the "Lmr-1" (Planned Development) District

BLOCK 3



From "Lmr-1" (Planned Development) District to "HH" (Restricted Community Shopping and Commercial) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale

NOT TO SCALE

Date

September, 1998

Reference File No.

ZAC-98-23

Drawn By

B. B.

2a)

Office of the City Clerk

MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

Kevin Christenson, Secretary
Transport and Environment Committee

FROM: S. G. Hollowell
Acting City Clerk
Office of the City Clerk

PHONE: (905) 546-2727

DATE: 1998 September 30

SUBJECT: Correspondence from the Ainsie Wood/Westdale Community Association
respecting concerns in the Neighbourhood, dated 1998 September 17

Council at its meeting of 1998 September 29 referred the abovenoted correspondence which is attached hereto to the Planning and Development Committee for consideration.

S. G. Hollowell

SGH/tt

bcc: Alderman M. Kiss
Alderman M. Caplan

AINSLIE WOOD/WESTDALE COMMUNITY ASSOCIATION

1063 King Street West, Suite 221
Hamilton, ON L8S 1L8

September 17, 1998

Mr. Joseph Schatz
City Clerk
c/o City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Mr. Schatz:

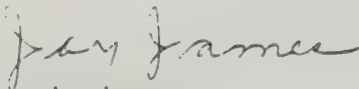
We are writing to you on behalf of the Ainslie Wood/Westdale Community Association (AWWCA). This new community association represents a large number of resident owners in the Ainslie Wood and Westdale area who are seriously concerned about the condition of their neighbourhoods. The members of the AWWCA are united in their determination to bring about positive changes in a variety of areas related to the physical condition and atmosphere of their neighbourhoods.


Monster homes and rental properties have significantly increased the population in our neighbourhoods. Absentee landlords are becoming the norm. Property standards have declined. Noise, traffic, parking and alcohol-related incidents are on the rise. As a result, our quality of life and enjoyment of property have disintegrated. However, something can be done. It is called enforcement.

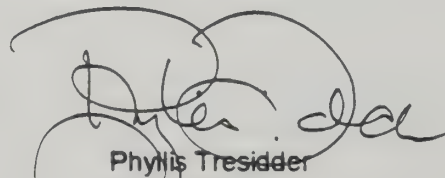
With increasing frequency, we place calls to noise and traffic control, property standards, building standards and the Regional Police to report infractions and safety issues. Rarely is a proper investigation conducted or a law enforced as a result of our complaints. As taxpayers and voters we insist on effective use of our tax dollars. That is to say, we want zero tolerance and 100 % enforcement of applicable Federal Statutes, Provincial Statutes and Regional and Municipal By-laws. We anticipate prompt enforcement via charges and thorough reporting and follow-up.

We would appreciate hearing from you regarding how you plan to improve enforcement in our community. We look forward to working with you in the near future as we strive to make our neighbourhoods better places to live.

Sincerely yours,


Joy James
President


Linda Grigg
Vice-President


Phyllis Tresidder
Vice-President

Office of the City Clerk

MEMORANDUM

261

TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: S. G. Hollowell
Acting City Clerk
Office of the City Clerk

PHONE: (905) 546-2727

DATE: 1998 September 30

SUBJECT: Council Referrals :

- Item 2 of the SIXTEENTH Report of the Planning and Development Committee regarding a draft plan of Condominium for 293 Mohawk Rd. E.
- Item 3 of the SIXTEENTH Report of the Planning and Development Committee regarding a draft plan of Condominium for 37-57 Mericourt Rd.
- Item 4 of the SIXTEENTH Report of the Planning and Development Committee regarding a draft plan of Condominium for 893 Concession St.

2. That application CDM-CONV-98-007 (Regional File 25CDM-98009) submitted by Barton Ellis Holdings Limited (In Trust), owner, for a draft plan of condominium for property located at No. 293 Mohawk Road East, as shown on the attached Plan marked as Appendix "A", to provide for a condominium comprised of 24 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

3. That application CDM-CONV-98-009 (Regional File 25CDM-98012) submitted by Gaspar & Silva Ltd., owner, for a draft plan of condominium for property located at No. 37-57 Mericourt Road, as shown on the attached Plan marked as Appendix "B", to provide for a condominium comprised of 66 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

4. That application CDM-CONV-98-010 (Regional File 25CDM-98013) submitted by Lapa Investments Ltd., owner, for a draft plan of condominium for property located at No. 893 Concession Street, as shown on the attached Plan marked as Appendix "C", to provide for a condominium comprised of 22 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.



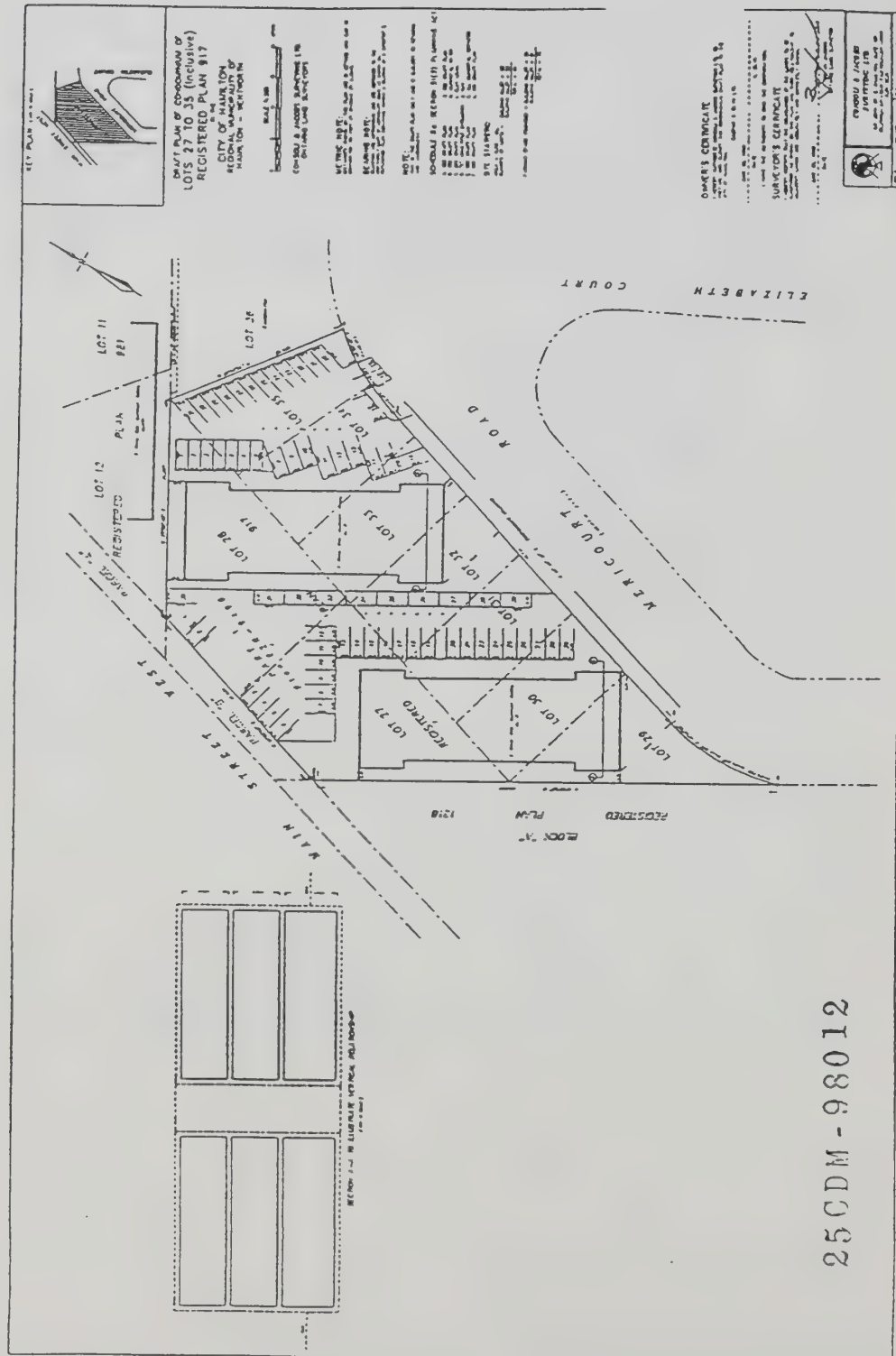
/ta

cc. Victor Abraham, Director of Planning and Development



1998 September 29

Appendix "B" referred to in Section 3 of the SIXTEENTH Report of the Planning and Development Committee for 1998





3a)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 September 28
(OP-DTSP)

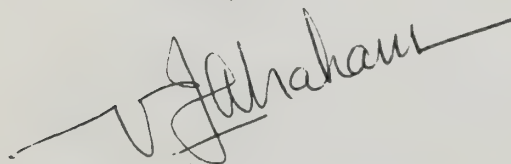
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Award of Consultant Tenders - Downtown Secondary Plan

RECOMMENDATIONS:

- (a) That the submission of Urban Strategies, Inc. be selected as the consultants to undertake the Design Study of the Downtown Secondary Plan, at a cost of \$60,000; and,
- (b) That the submission of PriceWaterhouse Coopers be selected as the consultants to undertake the Economic and Development Financing Studies of the Downtown Secondary Plan, at a cost of \$40,000.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The cost of the Design Study is \$60,000; the cost of the Economic Study is \$30,000; and the cost of the Development Financing Study is \$10,000. Funds for these projects were approved in the Capital Budget and are available in Account CF 5218-609855043.

BACKGROUND:

The 1998 Work Program for the Planning and Development Department includes the Downtown Secondary Plan - "Putting People First" - as a major component of the Department's policy work for 1998-99. The Terms of Reference for the Study were approved by the Planning and Development Committee in February of this year. Funding for the project was approved through the Capital Budget.

The tenders for the consultants were released on July 24, 1998 and closed on August 24, 1998. Seven

consultants bid on the Design Study; four consultants bid on the Economic Study; and two consultants bid on the Development Financing Study. The following is a summary of the bids.

Design Study:

Urban Strategies, Inc.	\$60,000.00
Walker, Nott, Dragicevic Inc.	\$59,963.00
Dillon Inc.	\$56,050.00
Cochrane Brook/MHBC	\$56,000.00
Kentridge Johnson Inc.	\$53,473.00
The Planning Partnership	\$55,866.25
Kirkor Architects	\$48,000.00

Economic and Development Financing Studies:

PriceWaterhouse Coopers (inc. Development Financing)	\$40,000.00
Dillon Inc. (inc. Development Financing)	\$37,370.00
John Winter Consulting (Economic only)	\$28,035.00
Urban Marketing Collaborative (Economic only)	\$30,000.00

Price Waterhouse Coopers submitted their bid jointly with Urban Strategies Inc. (formerly Berridge Lewinberg Greenberg Dark Gabor Ltd.). Dillon's bid includes sub consultants (N. Barry Lyons Consulting; Emrik Suichies & Associates; Hotson Bakker Architects; Hough Woodland Naylor Dance Leinster Ltd; and Leftside Partners Inc.).

SELECTION OF CONSULTING TEAMS:

The proposals received were reviewed by staff of the Planning and Development Department and the Economic Development Department. The proposals were evaluated on the basis of the completeness of the proposal; the work experience of the firm and team members; the qualifications to complete the work; the ability to meet the City's timetable; and the overall quality of the submission. Four teams for the Design work were shortlisted (Urban Strategies; Dillon; Cochrane Brook/MHBC; and Walker, Nott, Dragicevic). Three teams were shortlisted for the Economic and Development Financing portions: PriceWaterhouse Coopers; Dillon; and Urban Marketing Collaborative.

Interviews were conducted with the shortlisted teams. The interviews were done by the staff group involved in the shortlisting plus three members of the Downtown Planning Advisory Committee (Mary Pocius; Bill O'Brien; and Gil Simmons). The interviewing team recommends that the combined team of Urban Strategies Inc./PriceWaterhouse Coopers be selected, for the following reasons:

- The firm's experience in working with other municipalities on similar issues and projects (e.g. Detroit; Hartford; Niagara Falls);
- The understanding of downtown issues and solutions that will work in the short, medium, and long-terms;

- • The understanding of the issues within downtown Hamilton and the ability to find solutions specific to Hamilton;
- The firms' combined work approach to economics and development design;
- The experience in working with elected officials and diverse community groups; and,
- The commitment to downtown revitalization and city planning.

CONCLUSION:

Based on the foregoing, it is recommended that the teams of Urban Strategies Inc./PriceWaterhouse Coopers be selected for the Downtown Secondary Plan.

MLT/

1.0 A Comprehensive Approach

Hamilton has embarked on a critical project to create a community vision and policy framework which will lead the downtown into the next millennium, and enhance the City's role as the Centre of the Region. The planning, design, economic and development financing strategies, which are the subject of the current Request for Proposals, are integral components of this critical initiative. These strategies must be visionary but must also be grounded within the realities of market forces to ensure that they can be implemented over the lifetime of the new plan. They must also be highly integrated, building on each other's strengths and opportunities in a complementary fashion.

To ensure that the synergies between the sub-programs are fully realized, we are proposing a unified team of economists, planners and urban designers, working closely together in a cooperative and iterative fashion. Our team is comprised of Urban Strategies leading the Design Strategy component of the study, with PricewaterhouseCoopers undertaking the Economic Strategy and the Development Financing Study. City planning staff, who will be taking primary responsibility for the land use planning elements, are also envisioned as an integrated component of this team.

Our team's combined capabilities offers numerous advantages aimed at achieving the objectives of the "Putting People First" initiative, including:

- 1 **A committed group of design, planning and market-oriented professionals** dedicated to a highly collaborative planning process. We offer a multi-disciplinary team capable of integrating an understanding of urban development, economic analysis, land use policy and urban design in the context of realistic market forces. Working together, the consultants and city planning staff together will develop strategies for land use and planning, economic development, urban design and development financing.
- 2 **A consensus building approach** in which the consultant team will work closely with the Advisory Committee, the Downtown Partnership, neighbourhood associations and the International Village and Downtown BIAs to develop community building strategies and policies.
- 3 **An understanding of the fundamental components which**

contribute to successful urban revitalization. To achieve a more livable and economically vital Downtown, the following issues will need to be addressed including:

- the need for additional housing,
- the conversion of the one-way street system,
- strengthening connections to neighbourhoods and to the waterfront,
- the creation of dedicated routes for safe bicycle travel,
- strengthening the commercial and retail businesses in the core,
- addressing the reinvestment disincentives inherent in the current assessment system,
- building on key attractions such as Copps Coliseum, and Jackson Square; and,
- the potential use of a development permit system to facilitate the approval process for future development in the downtown.

Collectively and individually, our team members bring extensive experience in formulating downtown reinvestment strategies within a number of cities throughout North America which are facing many of the same challenges. A particular emphasis has been to introduce new elements to promote the vibrant growth of more livable urban centres while enhancing and building upon existing attributes of a place.

- **4 A focus on strategies which are relevant to the local context.**
While other cities may share similar challenges, the response to these challenges must be firmly based on Hamilton's context. Effective strategies will build upon the current strengths and existing successes of Downtown Hamilton achieved through political and community commitment as demonstrated through the Ferguson Avenue project, the establishment of the Downtown Partnership and the significant financial commitments for downtown initiatives by both the local and regional Council. The Putting People First initiative is the most recent evidence of continued commitment to the Downtown and building upon this support provides an important base from which to devise implementable strategies to enhance the viability and vitality of the downtown.

contribute to successful urban revitalization. A livable and economically vital Downtown Hamilton need to be addressed including:

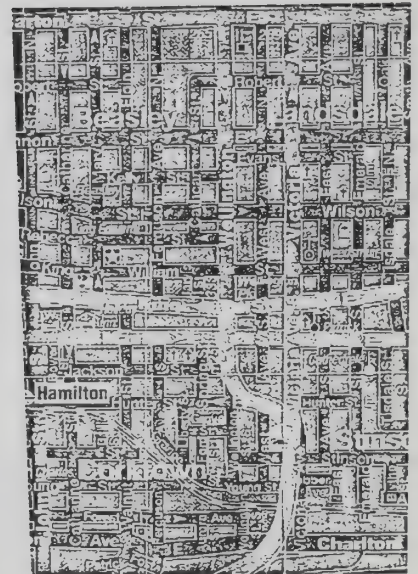
- the need for additional housing,
- the conversion of the one-way street to two-way traffic,
- strengthening connections to neighboring waterfront,
- the creation of dedicated routes for transit,
- strengthening the commercial and business core,
- addressing the reinvestment disincentives in the current assessment system,
- building on key attractions such as the Hamilton Coliseum, and Jackson Square; and
- the potential use of a development tax to facilitate the approval process for future development in the downtown.

Collectively and individually, our team members bring a wealth of experience in formulating downtown reinvestment strategies within a context of urban development throughout North America which are facing many of the same challenges. Our particular emphasis has been to introduce new elements of urban form and vibrant growth of more livable urban centres while enhancing and building upon existing attributes of a place.

- **4 A focus on strategies which are relevant to the downtown context.**
While other cities may share similar challenges, these challenges must be firmly based on Hamilton's context. Effective strategies will build upon the current successful elements of Downtown Hamilton and achieve political and community commitment as demonstrated by the Ferguson Avenue project, the establishment of the Downtown Partnership and the significant financial commitment initiatives by both the local and regional Council. The first initiative is the most recent evidence of continued support to the Downtown and building upon this support provides an important base from which to devise implementable strategies to enhance the viability and vitality of the downtown.

5

Putting People First: A Proposal for Downtown Hamilton



Methodology 2

P
R
O
P
O
S
A
L

A focus on innovative and implementable solutions. To be effective these strategies must be proactive, realistic and achievable. To a certain extent, market forces will dictate the parameters and directions of future downtown functions and activities. These same forces also offer opportunities to seize upon new directions in retail, commercial and housing markets as generators of economic activity. Success in this area will require visionary thinking outside of conventional planning and design approaches. The Downtown Secondary Plan cannot be based on standards, norms and economic trends which are not relevant to the 21 century urban context.

CITY OF HAMILTON

36)

- RECOMMENDATION -

DATE: 1998 October 1
DA-98-04
Beasley Neighbourhood

REPORT TO: Tina Agnello, Secretary
of the Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for security reduction related to Site Plan
Control Application DA-98-04 for lands located at 216
Wilson Street.

RECOMMENDATION:

That the request for reduction of the required securities related to Site Plan Control Application DA-98-04 by Fiore and Vally Manganiello, owner of lands at 216 Wilson Street and 87-95 Wellington Street North for a four (4) storey, twelve (12) unit multiple dwelling, as shown on the attached map marked as Appendix "A", be denied.

BACKGROUND:

Development plans for the proposed apartment project were approved on February 26, 1998. To date, the Site Plan Agreement has not been registered on title of the land. The total cost estimate for the exterior works was established at \$38,750.00 of which 75% being \$29,062.00 was required in the form of financial security to the City of Hamilton.

The applicant has indicated that his financial circumstances are such that the project cannot bear the total securities required and complete the development. The applicant has requested that a reduced amount of \$10,000.00 be accepted.

COMMENTS:

On March 8, 1994, City Council adopted requirements for securities to be provided in conjunction with the approval of Site Plans to ensure that the required exterior works (such as access lanes, parking areas, fences, landscaping, etc.) are constructed and are in accordance with the approved plans. At that time the amount of the securities was calculated at 100% of the estimate of the exterior works.

At its meeting of May 10, 1994, City Council amended the calculation to be 75% of the estimate of the exterior works with permitted reductions of the security held on a request basis to 50% of the total value of the works required.

Subsequently at its meeting of February 10, 1998, City Council adopted the policy that reductions of securities be permitted to an amount equal to the total value of the works outstanding, but not less than 10% of the total value of the works required under the Agreement.

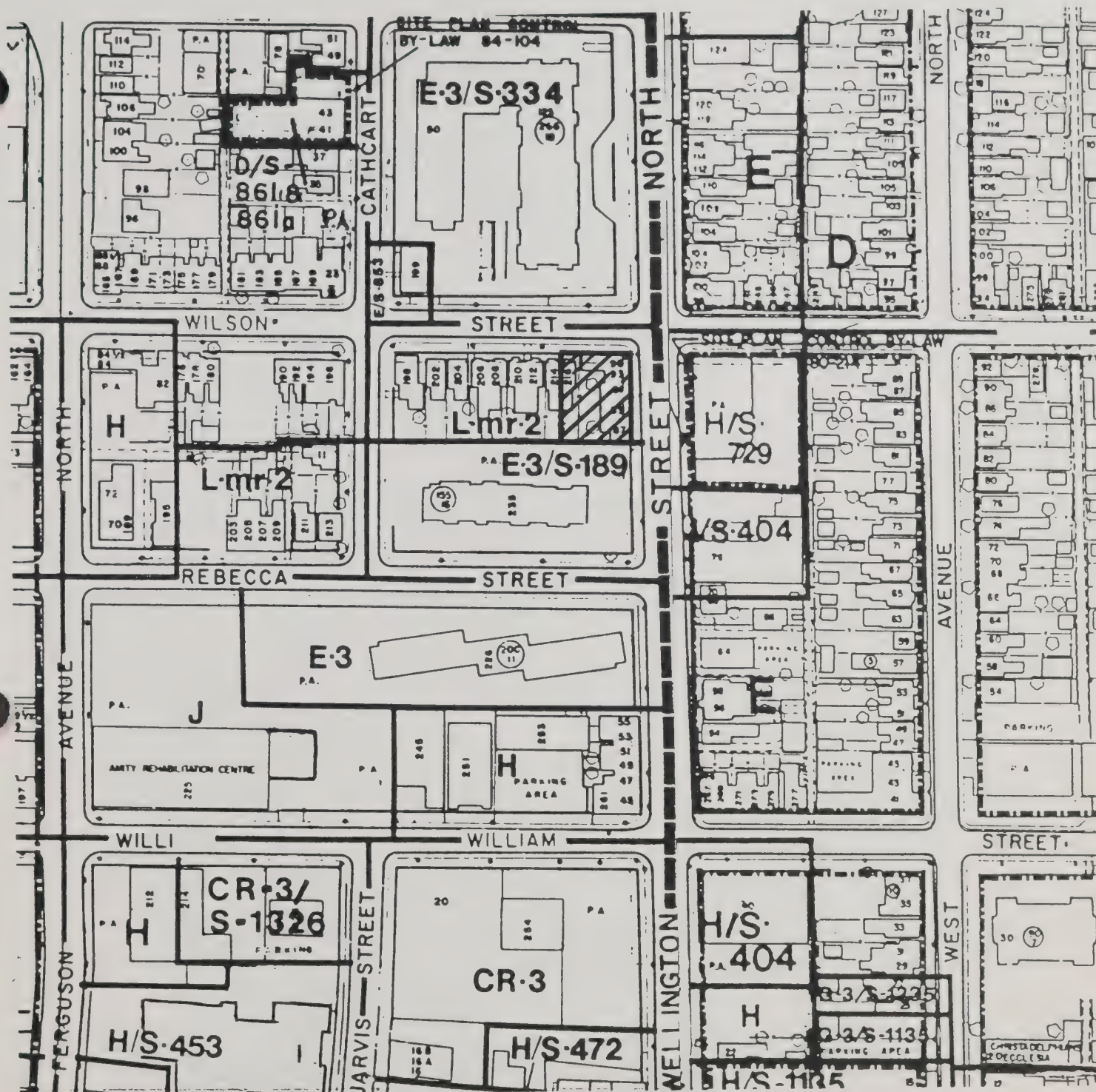
In following these policies as amended, and in relation to this project, the total cost estimate was established at \$38,750.00 of which 75% being \$29,062.00 was required. During construction, the securities held could be reduced to an amount equal to the total amount of the outstanding works but not less than a minimum amount of 10% of the total cost estimate. This would be \$3,875.00.

The applicant is requesting that the initial security be established at \$10,000.00, which is 25.8% of the total cost estimate.

The affected municipal departments, (i.e., Building, Law, Traffic, and Roads), have reviewed the request and have indicated concern that sufficient securities should be retained as a monetary incentive to ensure the project is completed in accordance with the approved plans and in a timely manner.

CONCLUSION:

The established City Council policy of 75% of the total construction costs should be maintained and the request denied.



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



Scale

NOT TO SCALE

Date

January, 1998

Reference File No.

DA-98-04

Drawn By

R.L.

4.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 October 7

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

Minutes of the meeting held 1998 September 23.

B. DIRECTOR OF PLANNING AND DEVELOPMENT

- (i) Central Neighbourhood Plan - Authorization for a Public Meeting.
- (ii) Request for Extension of Removal of Part-Lot Control "Wisemount Estates, Phase 8" Subdivision, Registered Plan No. 62M-826.

C. GENERAL MANAGER, HOUSING AND LOANS DIVISION

- (i) Commercial Property Improvement Loan Program, 559 Barton Street East
- (ii) Commercial Property Improvement Loan Program, 561 Barton Street East
- (iii) Commercial Property Improvement Loan Program, 629 Barton Street East
- (iv) Commercial Property Improvement Loan Program, 657 Barton Street East
- (v) Hamilton Emergency Loan Program (H.E.L.P.) 26 Case Street

D. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

Made-In-Hamilton Industrial Trail Project – Letter of Support for Funding Application

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Items

Wednesday, 1998 September 23
9:30 o'clock p.m.
Room 233, City Hall

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. M. Morrow
Alderman M. Caplan
Alderman R. Corsini
Alderman D. Haining
Alderman B. Charters
Alderman B. Kelly
Alderman F. Eisenberger

Also present: Alderman C. Collins
Alderman B. Morelli
Alderman M. Kiss
Alderman A. Horwath
Alderman T. Anderson
Victor Abraham, Director of Planning and Development
Department
Paul Mallard, Planning and Development Department
Keith Extance, Planning and Development Department
Bill Janssen, Planning and Development Department
Joanne Hickey-Evans, Planning and Development Department
Nina Chapple, Planning and Development Department
Mike Watson, Real Estate Division, City Clerk's Department
Art Zuidema, Law Office
Eugene Chajka, Regional Environment Department
Len King, Building Commissioner
Peter Lampman, Building Department
Mark Mascarenhas, Building Dept., Housing and Loans Div.
Nick Catalano, Economic Development Department
Ed Switenky, Public Works and Traffic Department
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at a Public Hearing.

1. Zoning Application 98-18 by Hugh MacLeod, Owner, for a Change in Zoning from "D" District to "H" District for Property Located at 27 Dundurn Street North.

The Committee was in receipt of submissions from the following:

- (a) Jennifer Janik (via E-mail)
- (b) Greg Tarasoff (via E-mail)
- (c) Robin Goldfin (via E-mail)
- (d) Adam Benjamin (via E-mail)
- (e) Beth Chown (via E-mail)
- (f) Jamey Rosen (via E-mail)

- (g) Judy Koeller, 96 Maplewood Place, Kitchener (via E-mail)
- (h) David Keane & Aurelia Shaw, 42 Head Street, Hamilton (via E-mail)
- (i) Jason Markusoff (via E-mail)
- (j) Colin Walters (via E-mail)
- (k) Jane Caufield (via E-mail)
- (l) Sharon Cavanaugh (via E-mail)
- (m) Adam Cornwell (via E-mail)
- (n) Allen Sens, University of B.C., Vancouver (via E-mail)
- (o) Valerie Beattie-Dolan, Hamilton (via E-mail)
- (p) Mark Fairman, 48 Head Street, Hamilton
- (q) Bernie Roel (via E-mail)
- (r) Michael Voralia (via E-mail)
- (s) Kwai-Pui Lo, Hamilton Chinese Alliance Church, 50 Breadalbane St., Hamilton
- (t) Cecil Manuel, 9 Hunt Street, Hamilton
- (u) Barb Bloemhof, 119 Emerson Street, Hamilton
- (v) Bryan Harrington (via E-mail)
- (w) Beth Miller (via E-mail)
- (x) Nevin French (via E-mail)
- (y) Todd Pettigrew (via E-mail)
- (z) Pamela F. Wise (via E-mail)
- (aa) Jerome Tjerkstra, Strathcona Community Youth Program (via fax)
- (bb) Gregory Walshaw (via E-mail)
- (cc) Wendy Bond, 302-935 W. 10th Avenue, Vancouver, B.C. (via E-mail)
- (dd) Greg Morey, University of Waterloo, (via E-mail)
- (ee) Nicholas Oddson (via E-mail)
- (ff) Beth Sirett, 324 Jackson St. West, Hamilton (via E-mail)
- (gg) Kathleen Garay, McMaster University (via E-mail)

Paul Mallard advised that the application is to change residential zoning to commercial. The building is a listed building by L.A.C.A.C. The proposed change is for a theatre, one apartment dwelling and a coffee house.

Mr. Mallard advised that it is not compatible with the buildings and density in the surrounding area. The area is primarily a one and two family residential area with two Churches. This proposal would be more appropriate in the downtown, Barton Street or Locke Street areas. The proposal requires 15 parking spaces but they can only provide seven on site. There will be negative spillover effects on the residential area.

The Planning Department advised that of 166 notices sent out, six replied in favour; three opposed and 16 could not be determined.

Peter Ciuciura of L.Alan Grinham Architect Inc. was present on behalf of the applicant. He stated that there has been extensive work done on the architectural plan. He stated that this is not a typical building, it is an abandoned industrial property. By far, people will be travelling by foot and using public transit. It will be a small scale operation containing a residence, cafe and performance space. There are other like establishments in the area, such as a mall at the corner, Tim Horton's and various small businesses. He stated to the Committee that he considers this to be good adaptive use.

Hugh MacLeod, owner of 27 Dundurn Street North, was present. He submitted a petition and letters from surrounding residents in addition to a letter from himself. He stated that Hamilton is missing a niche for its theatre in the under 90 seat range. The proposal is aimed at smaller groups and at the community therefore it fits well into the residential area. He is trying to cut down on ongoing expenses so that smaller groups

can use it, therefore he has a small cafe included. He has held two open houses which were attended by many people who were concerned, but are now in support of the proposal. There is a neighbouring business which has agreed to let them use five parking spaces on their lot. They have been trying hard to resolve the parking problem. He concluded by stating that there is a great deal of community support.

Bayne Leong, Assistant Pastor of the Hamilton Chinese Alliance Church which is adjacent to the property, was present. He stated that there is parking in the Church lot. The lot is huge and inviting, however parking is reserved for worshippers only who use it only on week-ends when most traffic would be generated at the theatre. He stated that if there is a change in zoning, he is concerned because it will always be commercial and therefore he anticipates future problems.

Michael Allan Marion, 7 Hunt Street, was present. He was the spokesperson for the Hunt Street Neighbourhood Improvement Association and they strongly support the proposal. They are not particularly worried about parking problems. The two neighbourhood meetings which were held by the applicant were well received. They considers the use a good use and compatible.

Greg Walshaw, 585 John Street North, was present. He stated that the building has been vacant for some time. This is an appropriate use for an area where people can meet. Parking is a concern but Mr. MacLeod is trying to work with the community to resolve it. He stated that he is an artistic director of a small theatre group and that there are very few venues in the City for this type of theatre.

Ted Bassiano, 955 Lawrence Road, an artist and a teacher, was present. He stated that at present there are 40 members of the improv group that Mr. MacLeod leads. He also noted that when they attend the improv they support the other businesses in the area. He concluded by stating that Mr. MacLeod is a very courteous person and is trying to accommodate the surrounding residents and work on the parking problem.

Mayor Morrow stated that he is extremely pleased with the proposal. The City is bustling with theatre activity. It is good for the neighbourhood as well as the downtown. The parking problem is not insurmountable, it can be resolved. He suggested that the Church make a deal with the business as has been done in other areas of the City. He noted however that when the Church is used for worship that the theatre should not use the Church parking area. He commended Mr. MacLeod on his proposal.

Alderman Caplan stated that this is a wonderful project and he would be happy for it to be approved. He asked however how the neighbourhood could be protected from other uses.

Paul Mallard stated that it would be a good idea to modify the residential use to allow the theatre, coffee shop and residential use in that building only; that the restaurant be ancillary to the theatre and that the premises also be unlicensed. He also advised that Ministry of the Environment approvals are required with regard to remediation of soils, and a site plan is required for parking.

Alderman Kiss concurred with Alderman Caplan and agreed with the conditions.

Alderman Capps stated that the concerns are not insurmountable. She noted that it is important that this gentleman is choosing Hamilton and she stated that this is a great adaptive use for a heritage building and it is compatible with the existing neighbourhood.

Mr. MacLeod concurred with the conditions and stated that he is interested in the building becoming a permanent theatre space. He also advised that he has already had a Phase Three Environmental Assessment completed. He noted that he needs more than a concession, he would like a space used as a coffee shop as there are no other coffee shops in this area. He stated that it is an excellent building which has been adapted for multi-use.

After discussion, the Committee resolved that the recommendation dated 1998 September 14 from the Director of the Planning and Development Department be approved as amended as follows:

- (a) That approval be given to Official Plan Amendment No. 153 to establish a Special Policy Area to permit limited commercial uses within the existing building, on lands known municipally as 27 Dundurn Street, as shown on the attached map marked as Appendix "A", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to amended Zoning Application ZAC-98-18, Hugh Macleod, owner, requesting a modification to the established "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District to permit a sixty (60) seat live theatre, a twenty-four (24) seat restaurant, and one (1) residential dwelling unit within the existing building for lands, located at 27 Dundurn Street North, as shown on the attached map marked as Appendix "A", subject to the following conditions:
 - (i) That the amending By-law apply the holding provisions of Section 36(1) of the Planning Act, R.S.O., 1990, to the subject lands by introducing the holding symbol 'H' as a suffix to the proposed zoning district. The holding provision will prohibit the development of the subject lands until:
 - (a) The applicant submits a signed Record of Site Condition (RSC) to the Region and Ministry of Environment and Energy (MOEE). This RSC must be to the satisfaction of the Region, including an acknowledgement of receipt of the RSC by the Ministry of Environment and Energy; and,
 - (b) The applicant/owner has applied for and received approval of a Site Plan Control Application from the City of Hamilton; and,
 - City Council may remove the 'H' symbol, and thereby give effect to the "D" District modified provisions as stipulated in this By-law, by enactment of an amending By-law once these conditions are fulfilled; and,
 - (ii) That the "D" (Urban Protected Residential - One and Two Family Dwellings, etc.) District regulations, as contained in Section 10 of Zoning By-law No. 6593, applicable to the subject lands be modified to include the following variances as special provisions:

- (a) That notwithstanding Section 10.(1), the following uses shall be permitted only within the building, existing on the day of passing of this By-law:
 - (i) a sixty (60) seat live theatre; and,
 - (ii) a twenty-four (24) seat "unlicensed" restaurant; and,
 - (iii) one (1) dwelling unit; and,
 - (iv) For each establishment a "business identification sign" that is a wall sign and/or window sign of an area of not more 2.5 square metres (26.91 square feet), no sign shall exceed 2.0 metres (6.0 feet) in height and every sign shall be so designed, installed and maintained as to ensure that the illumination is deflected away from all lands designated for residential uses; and,
 - (b) That notwithstanding Section 18A of Zoning By-law No. 6593, a minimum seven (7) parking spaces shall be provided and maintained; and,
 - (c) That notwithstanding Section 18A. (11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.5 m wide and a visual barrier not less than 1.8 m and not greater than 2.0 m in height shall be provided and maintained along the entire westerly lot line, except for the first 5.0 m from Hunt Street; and,
 - (d) That notwithstanding Section 18A. (11) and (12) of Zoning By-law No. 6593, a planting strip not less than 1.0 m wide and a visual barrier not less than 1.8 m and 2.0 m not greater than in height shall be provided and maintained along the easterly lot line from Hunt Street, except for the first 5.0 m from Hunt Street; and,
 - (e) That a landscape area not less than 6.0 m in depth shall be provided and maintained along Hunt Street, except for any area used for driveway access; and,
 - (f) Every lighting facility shall be so designed, installed and maintained as to ensure that the light is deflected away from all lands designated for residential uses, and any lighting of signs shall similarly be so deflected; and,
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Section S-1412, and the lands on Zoning District Map W-22 be notated S-1412; and,
 - (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map W-22 for presentation to City Council; and,

- (v) That the proposed modification in zoning is in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. 153 by the Regional Municipality of Hamilton-Wentworth.

2. Zoning Application 98-26, by Cornerstone Commercial Realty Corporation, Owner, for Lands Located South of Fennell Avenue East and North of Inchlee Drive, Known as 334 East 14th Street.

The Committee was in receipt of submissions from the following:

- (a) Sergio Manchia, Planning Initiatives (Agent for Applicant)
- (b) Petition from surrounding residents.

Sergio Manchia, Planning Initiatives, was present on behalf of the applicant. He stated that his client would like the issue tabled because there is a misunderstanding with regard to the intent of the proposal. He stated that he would make himself and his client available to any residents who would like to speak to them.

Alderman Anderson stated that the proponent would like to meet with the neighbourhood residents to resolve their concerns.

Following brief discussion, the Committee resolved to table matter for a month in order that the proponent may meet with the surrounding residents to resolve concerns.

3. Zoning Application 98-27, by Marco Ramelli and Mukesh Patel, Owners, for a Change in Zoning from "B-1" District to "H" District, Modified, for Lands Located at 535 Queenston Road and 537 Queenston Road.

Paul Mallard explained that this is a request for an official plan amendment and zoning to permit chiropractic and naturopath offices. He stated that there are medical offices in the area and he is recommending approval subject to conditions, being 3 m landscape in the front, visual barriers on the rear west and east, incorporation of the square footage of the medical office in the By-law, restriction on the nameplate size, and site plan control. He also stated that there will be a study on low-density apartments in this regard.

Of 713 notices sent, 14 replied in favour, 3 opposed and 30 did not indicate.

Dr. Ramelli was present. He stated that there is no need for a visual barrier on the extreme west side because the home there is a legal non-conforming use and is presently used as a doctor's office. With regard to the boulevard, he requested that an additional parking space be put in. With regard to signage he stated that .2 metres is too small and he would like a sign consistent with other signs in the neighbourhood, being approximately 2x3 feet.

Mr. Mallard stated that the property on the extreme west side is zoned B-1 Residential but that the Committee can determine whether they want a visual barrier or not. With regard to the 2x3 foot sign, he stated that it is at the will of the Committee since there are other signs of this size in the area.

With regard to the parking on the boulevard, he stated that additional parking would eventually be removed due to highway construction. The Planning Department prefers that the parking be contained on site.

Eugene Chajka advised that staff has no objection to an additional encroachment for the additional parking space but when the highway ramp is built the parking would be removed and the landscaping would be moved back.

Sergio Manchia was present on behalf of DiCenzo Construction, who owns the property abutting the rear of the property in question. He stated that he has no concerns with the zoning but he would like the property to be held under a holding provision until the site plan is dealt with. This is due to the fact that the land is extremely flat and his client is concerned with the drainage. He would like the site plan dealt with prior to zoning.

Dr. Ramelli advised that there will be a visual barrier in the rear and that he is only required to provide one parking spot in the rear.

Alderman Eisenburger was unsure why the applicant was so interested in an additional parking spot in the front since this will require more work.

Dr. Ramelli also advised that that, in the rear, there are 20-30' pine trees.

Marco Ramelli stated that DiCenzo's property is two feet higher than their land and that as a result he does not see why drainage is a concern.

Dr. Ramelli also advised that he would like this parking spot in the front but that when conditions change that require that parking spot to be removed, he would remove it.

Alderman Collins stated that he does not perceive widening of Queenston Road for the next 10-20 years, therefore he does not see a problem with removing the landscaping strip to provide for another parking spot in the front of the property. He also advised that the 2-3 foot sign is in keeping with the surrounding signs and that it is reasonable not to expect a visual barrier on the west side of the property.

Alderman Copps was concerned that as a result of not enforcing By-laws that the Committee allows to follow suit. She meant this with respect to the size of the sign. She stated that the applicant knew what was permitted when the property was purchased.

A discussion ensued with the regard to the trees. Paul Mallard stated that the trees are not required to be cut down in order for a fence to be erected.

Following discussion, the Committee resolved to approve the report dated 1998 September 15 from the Director of the Planning and Development Department, as amended, and recommended to Council as follows:

- (a) That approval be given to Official Plan Amendment No. 154, to establish a new Special Policy Area to permit a naturopathic clinic within the existing building, on lands known municipally as 537 Queenston Road (Block "2"), as shown on the attached map marked as Appendix "B", and that the City Solicitor be directed to prepare a By-law of adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,

- (b) That approval be given to Amended Zoning Application ZAC-98-27, Marco Ramelli and Mukesh Patel, owners, requesting a modification to the established "B-1" (Suburban Agricultural and Residential, etc.) District regulations, to permit a chiropractic office for property located at 535 Queenston Road (Block "1"), and a naturopathic office for property located at 537 Queenston Road (Block "2"), as shown on the attached map marked as Appendix "B", on the following basis:
- (i) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances as special requirements:
- (1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:
 - (a) a medical office (chiropractic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) a ground sign that shall not exceed 0.9 m in vertical dimension or 0.6 m² in area; and,
 - (c) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
 - (2) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
 - (3) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,
 - (4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 m wide planting strip within the widened road allowance limits of Queenston Road; and,
 - (5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the northerly lot line; and,
- (ii) That the "B-1" (Suburban Agricultural and Residential, etc.) District regulations, as contained in Section 8A of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances as special requirements:
- (1) That notwithstanding Section 8A(1) of Zoning By-law No. 6593, the following uses shall be permitted:

- (a) a medical office (naturopathic office) having a maximum gross floor area of 65 m² shall only be permitted on the ground floor of the existing building; and,
 - (b) a ground sign that shall not exceed 0.9 m in vertical dimension or 0.6 m² in area; and,
 - (c) no sign shall be illuminated unless the source of light is steady and suitably shielded to contain illumination; and,
- (2) Section 18A(14) of Zoning By-law No. 6593 shall not apply; and,
- (3) Section 18A(26) of Zoning By-law No. 6593 shall not apply; and,
- (4) That a landscape planting strip of not less than 3.0 m in width shall be provided and maintained along the southerly lot line, except any area used for vehicular access, only where an encroachment agreement for landscaping has not been entered into with the Region, for a minimum 3.0 m wide planting strip within the widened road allowance limits of Queenston Road; and,
- (5) That a visual barrier of not less than 1.2 m in height and not more than 2.0 m in height shall be provided and maintained along the easterly and northerly lot lines; and,
- (iii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593, as Section S-1413, and that the subject lands on Zoning District Map E-95 be notated S-1413; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-95 for presentation to City Council; and,
- (v) That the proposed change and modifications in zoning will be in conformity with the Official Plan for the City of Hamilton Planning Area upon approval of Official Plan Amendment No. 154 by the Regional Municipality of Hamilton-Wentworth; and,
- (c) That Site Plan Control By-law No. 79-275, as amended by By-law No. 87-233, be amended by adding the subject lands to Schedule 'A'; and,
- (d) That Planning Department staff be directed to undertake a Neighbourhood Plan review for the areas designated "Low Density Apartments" on the east and west side of Woodman Avenue North on the north side of Queenston Road (535 to 537 Queenston Road).

4. City Initiative 98-D, Modifications in Zoning for Lands on the West Side (Bay Side) of Beach Boulevard.

Joanne Hickey-Evans advised that the City is proposing to purchase land from the Conservation Authority and to sell the land for single family residential lots, however the issue of flooding must be dealt with. Therefore the new building lots must maintain a minimum 76 metre elevation above sea level and as a result no basements or cellars will be permitted. She also stated that a lot grading agreement will be required and that a master drainage plan will be completed for the entire area. She stated that the base zoning is not being changed, this is an additional requirement.

Of 543 notices circulated, 22 replied in favour, 10 opposed and 20 had no comment.

Josephine Boerger, 715 Beach Boulevard, was present on behalf of herself and her son who resides at 713 Beach Boulevard. She was very concerned with problems of flooding each year and agreed strongly with the proposal being put before the Committee.

John Hanson, 271 Beach Boulevard, was present. With regard to the commercial property, he stated that it is not a good idea to put any commercial properties in the strip. He has lived there for 51 years and there have been many failures associated with the commercial properties. The major problem is the unavailability of parking. He stated that if any commercial properties are placed in the plan they should be placed at either end. He encouraged the Committee to proceed with future improvements to the beach area.

Elizabeth Nesbesne, 6 Grafton Avenue, was present. She asked if, as a result of this proposal, the basements would be placed high on hills.

Joanne Hickey-Evans stated that there are requirements with regard to height. Houses are only permitted to be 2 1/2 storeys, or 11 metres, high. She stated however that the design cannot be controlled. She added that the Planning Department is giving consideration to architectural guidelines which will be developed.

Peter Lampman advised that the intent is to have an overall rating plan. Mounding is not an acceptable way of building.

Ralph Stewart, 736 Beach Boulevard, was present. He is a resident living in the area for 47 years. He stated that it is a good place to live and that the beach should be left as it is.

Alderman Collins stated that there is still a mechanism for people to build waterproof basements, to which Mr. Lampman replied that in such cases there is special construction and the building must be anchored so that it doesn't float.

Alderman Eisenberger stated that the M.T.O. should be involved to discharge the water. The present proposal is to protect future building.

Alderman Charters was concerned and stated that lot grading should be registered on title to which Peter Lampman advised that this will be part of the zoning. Eugene Chajka added that the lot grading can be dealt with through site plan.

Joanne Hickey-Evans interjected that a master drainage plan is to be developed.

Alderman Copps stated that since the City put in constructed sewers, they must be responsible for taking care of the properties.

Alderman Collins concluded by stating that the recommendation is positive and it is very pro-active.

As recommended in a report dated 1998 September 16 from the Director of the Planning and Development Department, the Committee recommended the following, as amended to Council:

- (a) That approval be given to City Initiative 98-D, for modifications to Zoning By-law No. 6593 for the properties on the west side (bay side) of Beach Boulevard, in the Beach neighbourhood, to regulate the floor elevations of new buildings and additions in the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions, as shown on the attached maps marked as Appendices "C", "D" and "E", on the following basis:
 - (i) That the "C" (Urban Protected Residential) District, the "G" (Neighbourhood Shopping Centre) District, and the "H" (Community Shopping and Commercial, etc.) District provisions as contained in Sections 9, 13 and 14, respectively of Zoning By-law No. 6593, be modified to include the following variances as special requirements:
 - (1) that in addition to the provisions of the Zoning By-law, the minimum ground floor elevation of any building, except for accessory structures or addition to buildings less than 14 m² in area, shall be 76.0 m above mean sea level, as defined by the Geodetic Survey Datum; and,
 - (2) no basement or cellar shall be permitted for any building, except for accessory structures and any additions less than 14 m² in area; and,
 - (3) that any addition, less than 14 m² in area, shall have a minimum floor elevation at or above the existing floor elevation of the building; and,
 - (4) a lot grading agreement that conforms to an overall grading plan and approved by the Building Commissioner shall be entered into prior to the issuance of a building permit; and,
 - (ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S-1414 and that the subject lands on Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f be notated S-1414; and,
 - (iii) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-80b, E-80c, E-80d, E-80e and E-80f, for presentation to City Council; and,

- (iv) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area; and,
- (b) That Site Plan Control By-law No. 79-275, as amended by By-law No 87-223, be further amended by adding the lands located on the west side (bay side) of Beach Boulevard and the Director of Planning and Development be directed to prepare a By-law, to amend By-law 79-275, for presentation to City Council.

5. City Initiative 96-G, Charity Gaming Clubs, Zoning By-law Amendment (Charity Casinos).

A submission was received from the following:

- (a) Downtown Hamilton Business Improvement Area, Kim Finlay, Chairperson

Alderman Corsini stated that he is concerned with Bingo Halls, Peepshows and Arcades and that he would like these removed from the downtown core.

Alderman Charters stated that we should move ahead with this proposal immediately and that the study which has been proposed at the Finance and Administration Committee also proceed.

As recommended in a report dated 1998 September 14 from the Director of the Planning and Development Department, the Committee recommended to Council as follows:

That approval be given to City Initiative 96-G to remove charity gaming clubs (charity casinos) and associated definitions as permitted uses in the Zoning By-law as follows:

- (a) That By-Law No. 97-73 be deleted its entirety; and,
- (b) That Section 4 - Prohibited Uses of Zoning By-law No. 6593 be amended by adding a new clause as follows:
 - "(7) The use of a Charity Casino (Charity Gaming Club) which means any premises or parts thereof, containing table games and/or video lottery terminal and/or slot machines or any other such game or device approved by the Alcohol and Gaming Commission of Ontario is hereby prohibited."; and,
- (c) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 for presentation to City Council; and,
- (d) That the proposed modifications in zoning are in conformity with the Official Plan for the Hamilton Planning Area.

6. Referral Back from Council - 342 Dundurn Street South, Demolition Permit.

Alderman Caplan proposed, and the Committee concurred, that the recommendation be amended to tie the site plan control to the demolition permit.

Alderman Kiss advised that the Ward Aldermen will have a neighbourhood meeting.

Dale Brown, 39 Flatt Avenue, Kirkendall Neighbourhood Association, was given permission by the Committee to speak. She stated that the Mr. Grocer development and this demolition are happening concurrently and they should be tied together.

Alderman Caplan advised that the demolition will not occur until the site plan is approved.

Alderman Kiss asked the applicant if they intend to demolish other properties. Domenic Occhiornorelli, applicant, was present and stated that he has no intention of buying anything else at the present time.

As recommended in a report dated 1998 August 18 from the Building Commissioner, the Committee recommended the following to Council, as amended:

- (a) That the Building Commissioner be authorized to issue a demolition permit for 342 Dundurn Street South in accordance with By-law 74-290 pursuant to section 33 of The Planning Act, as amended; and,
- (b) That the demolition permit be issued only after the site plan for 330 Dundurn Street South has been finalized.

7. BUILDING COMMISSIONER

(a) Property Standards By-law 94-185.

Peter Lampman advised that the changes in the Municipal By-law are as a result of the Tenant Act 1997 coming into force on 1998 June 24 and also which resulted in changing the legislation for Property Standards By-laws from the Planning Act to the Building Code Act.

He pointed out that \$20,000 of work under Property Standards is now recoverable. He noted however that the legislation does not allow building inspectors without search warrants.

The Chair was pleased that this By-law is being brought forward and explained to the Committee will now allow the Building Department to be pro-active.

With regard to Item 5 in the background report, Alderman Horwath suggested that it be amended to include that all tenants be notified by registered mail with regard to any orders which are issued.

Following discussion the Committee directed Building Department staff to report back on established and proposed policies respecting notification of building owners and tenants when issuing Orders under the Property Standards By-law.

As recommended in a report dated 1998 September 9 from the Building Commissioner, the Committee recommended to Council as follows:

- (a) That the appropriate By-law be enacted to replace Property Standards By-Law 94-185.
- (b) That By-Law 94-185 passed on 1994 November 8 in accordance with the Planning Act, R.S.O. 1990, Chapter P. 13, and its amendments be repealed.

(b) **25 Hughson Street South - Downtown Convert/Renovate-to-Residential Loan Program**

A revised report dated 1998 September 22 was distributed to the Committee.

Mark Mascarenhas gave a brief description of the amount to be lent for the development of 25 residential units on this property.

Alderman Caplan stated that he has reservations about approving this recommendation.

Alderman Charters said that a great deal of money will be tied up and that there should be restrictions with regard to how long the commitment of money can be placed for a project.

Alderman Kelly stated that proposals of this nature of positive. We need people downtown in order to revitalize. It must be a combination of public and private initiatives, therefore we should move ahead with this project.

In response to a question from Alderman Anderson, Mark Mascarenhas stated that some type of time limit can be established on the use of funds.

Alderman Anderson asked the proponent if he has a time schedule. Mr. DeSantis stated that he has an architect scheduled to proceed with the project and has met with Heritage people. He stated that he already has a tenant for the basement and intends to put in 25 loft apartments in the rest of the building. If the interest-free loan is approved, they can proceed and the project will be completed by April, 1999.

Mr. Mascarenhas advised that the extraction from the fund is revolving and that within 10 years you get all the money back. The fund self-finances.

Alderman Eisenberger was concerned that two large projects may take up everything and that there would be no funds remaining for the small operations. He therefore suggested that more funding be put into this account.

Nick Catalano advised that over the past two years there have not been many applicants. Twenty-two small businesses are now interested in putting applications. The cost to the City on projects such as these are the opportunity costs only. The opportunity costs are 4.5% as compared with a great increase in assessment. He suggested that a dollar amount per unit be established in order to be fair to single or multiple unit applicants.

In response to a question from Alderman Copps, Mr. Mascarenhas stated that initially the units were only four - eight since they were trying to promote smaller projects. At that time it was felt eight units were optimal.

Alderman Copps stated that the applications on King Street should be made a priority as this was the initial impetus of establishing the account.

Mary Pocius advised that there are 22 people who are showing interest. They have been skeptical to put their applications in, especially in light of the reassessment. Since then an architect has been hired and the applicants are ready to go. She advised however that the facade component of the project has not yet been approved by the Province.

Mr. Mascarenhas estimated that the account would need \$400,000 - \$500,000 additionally in order to accommodate 22 more individual applications.

Alderman Horwath suggested that a policy be passed to allow no more than half of the fund to go to large complexes, leaving half for small property developments.

Mr. Mascarenhas suggested that the Committee and Council may wish to ask that larger developments have earlier repayments of their loans.

Alderman Kelly suggested that we deal with the applications as they come forward, and since this application is presently before the Committee, it should be approved.

Alderman Anderson asked if other programs are in place which have funds which are not being used and could possibly be diverted to which Mr. Mascarenhas advised that there is \$500,000 in the Facade Commercial Improvement Program and \$550,000 in the Heritage Program.

Alderman Anderson suggested, and the Committee concurred, that the recommendation be amended to delete the reference in subsection (b) to "borrower".

Alderman Charters explained that it is not appropriate to have a financial commitment to a project and then not have completion of that project. He asked who would be paying back the loan in a situation where condos were developed, to which Mr. Mascarenhas replied that it would be the original borrower.

Alderman Charters felt that the City should be repaid on a per unit basis as the units are sold. He stated that a more reliable benchmark for approving the loan would be that the approval be tied to the building permit.

Alderman Eisenberger suggested that the approval be granted conditional on a building permit being successfully received within three months of approval.

Mr. DeSantis stated that the process is a long one. There is a permit required for cleaning, a structural audit, mechanical, engineering and architectural permits and that this process would take at least five months.

Len King suggested that because the building in question has been damaged, five to six months is not unreasonable.

It was determined by the Committee that the recommendation would be amended to state that the loan would only be valid if a structural permit was obtained within three months of approval of the application and if a building permit was obtained within six months of the approval of the loan.

As recommended in a report dated 1998 September from the Building Department, the Committee recommended to Council as follows:

- (a) That a loan under the Downtown Convert/Renovate-to-Residential Loan Program in the amount of up to four hundred thousand dollars, (\$400,000) to DeSantis Group Inc., (Tony DeSantis) for conversion of 25 Hughson Street South into twenty five (25) residential units be approved, subject to the following:
 - (i) Fulfilment of the borrowing requirements of the Downtown Convert/Renovate-to-Residential Loan Program; and,
 - (ii) Exact amount of loan to be determined once unit sizes are finalized; and,
 - (iii) Approval by the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan; and,
- (b) That Schedule "A" of By-law 97-140 be amended to replace the maximum of eight (8) units per deeded property with a maximum of \$500,000 per deeded property; and,
- (c) That staff take the necessary steps under the Planning Act to amend the Downtown Community Improvement Plan and the By-law; and,
- (d) That the City Solicitor be authorized to prepare the necessary By-law; and,
- (e) That a grant under the Core Heritage 2000 Program in the amount of \$75,000 to DeSantis Group Inc., (Tony DeSantis) for facade improvements be approved, subject to the applicant meeting the requirements of the Program that is currently pending approval by the Ministry of Municipal Affairs and Housing; and,
- (f) That the loan approval be conditional on the applicant receiving a structural permit within three months of 1998 September 23, and a building permit within six months of 1998 September 23.

Prior to voting on the motion as amended, a recorded vote was called. The results were as follows:

RECORDED VOTE

YEAS: Aldermen Corsini, Eisenberger, Kelly, D'Amico

NAYS: Aldermen Copps, Charters, Caplan

MOTION CARRIED

The Committee further resolved that staff bring forward a report regarding the possibility of diverting funds from programs such as the Facade Commercial Development Program and the Heritage Program into the Convert/Renovate-to-Residential Loan Program and the Downtown Heritage Core 2000 Program.

(c) **Spectator Development (ADDED ITEM)**

The Committee concurred that this item be added to the Planning and Development agenda.

Laura Phillips and Chris Bain were present on behalf of the applicant with regard to this proposal.

Mark Mascarenhas advised that this proposal has been developed over the passed nine months. The due diligence is not conducted on this property.

Mr. Mascarenhas advised that in this circumstance, the proponent relies on the City's commitment in order to purchase the property.

Following brief discussion, the Committee resolved that this matter be tabled to a special meeting to be held prior to the next Council Meeting.

8. **PRIVATE AND CONFIDENTIAL AGENDA**

The Committee adjourned into closed session to discuss property matters and reconvened immediately thereafter with the following report.

(a) **Proposed Draft Plan of Condominium - Condominium Conversion, 11 Kendale Court.**

The Committee recommended to Council as follows:

- (a) That approval be granted to application CDM-CONV-98-004 (Regional File 25CDM-98006) submitted by Kendale (11-21) Inc., owner, for a draft plan of condominium for property located at No. 11 Kendale Court, as shown on the attached Plan marked as Appendix "F", to provide for a condominium comprised of 101 individual apartment condominium units, subject to the following conditions:
 - (i) That this approval applies to the attached draft plan dated 1998 May 26 (Appendix "F") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:

- (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,
- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

(b) Proposed Draft Plan of Condominium - Condominium Conversion, 21 Kendale Court.

The Committee recommended to Council as follows:

- (a) That approval be granted to application CDM-CONV-98-005 (Regional File 25CDM-98007) submitted by Kendale (11-21) Inc., owner, for a draft plan of condominium for property located at No. 21 Kendale Court, as shown on the attached Plan marked as Appendix "G", to provide for a condominium comprised of 101 individual apartment condominium units, subject to the following conditions:
 - (i) That this approval applies to the attached draft plan dated 1998 May 26 (Appendix "G") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

(c) **Proposed Draft Plan of Condominium - Condominium Conversion, 65 Mount Albion Road.**

The Committee recommended to Council as follows:

- (a) That approval be granted to application CDM-CONV-98-006 (Regional File 25CDM-98008) submitted by George Sinclair Construction Inc., owner, for a draft plan of condominium for property located at No. 65 Mount Albion Road, as shown on the attached Plan marked as Appendix "H", to provide for a condominium comprised of 8 individual townhouse condominium units, subject to the following conditions:

- (i) That this approval applies to the attached draft plan dated 1998 June 15 (Appendix "H") prepared by A.T. McLaren Limited; and,

- (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,

- (iii) That prior to approval of the final plan:

- (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
- (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593; and,

- (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.

(d) **Proposed Draft Plan of Condominium - Condominium Conversion, 1950 Main Street West**

The Committee recommended to Council as follows:

- (a) That approval be granted to application CDM-CONV-98-008 (Regional File 25CDM-98011) submitted by Christopher and Henrietta Rowe, owner, for a draft plan of condominium for property located at No. 1950 Main Street West, as shown on the

attached Plan marked as Appendix "I", to provide for a condominium comprised of 88 individual apartment condominium units, subject to the following conditions:

- (i) That this approval applies to the attached draft plan dated 1998 June 26 (Appendix "I") prepared by A.T. McLaren Limited; and,
 - (ii) That the owner enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (iii) That prior to approval of the final plan:
 - (1) property taxes shall be in good standing, and the plan of condominium shall conform with General Zoning By-law No. 6593 and the Official Plan, and,
 - (2) any variances or rezoning required in respect of the draft plan of condominium shall have been approved by the Committee of Adjustment or Council, as the case may be, in order that the draft plan of condominium is in compliance with General Zoning By-law 6593. In particular, and not limited to, a successful application to the Committee of Adjustment is required to address the non-conforming parking situation; and,
 - (b) That the City Clerk be directed to advise the Commissioner of the Regional Environment Department of Council's decision.
- (e) **107 George Street Community Heritage Loan Program Registration of Loan on Tax Rolls**
-

The Committee recommended to Council as follows:

That the total outstanding Community Heritage Loan for 107 George Street, in the amount of one thousand, one hundred and ninety-six dollars and eight cents (\$1,196.08), be placed on the tax rolls.

9. DIRECTOR OF PLANNING AND DEVELOPMENT

- (a) Proposed Draft Plan of Condominium - Condominium Conversion 293 Mohawk Road East
- (b) Proposed Draft Plan of Condominium - Condominium Conversion 37-57 Merricourt Road
- (c) Proposed Draft Plan of Condominium - Condominium Conversion 893 Concession Street

The applicant was present and concurred with the Committee that these matters be tabled.

- (d) Site Plan Control Application DA-98-23 for a Student Residence and Future Tennis Club/Bubble Complex for Mohawk College of Applied Arts and Technology at 135 Fennell Avenue West.

As recommended in a report dated 1998 September from the Director of the Planning and Development Department, the Committee recommended to Council the following as amended:

- (a) That approval be given to Site Plan Control Application DA-98-23 by Mohawk College of Applied Arts and Technology, owner of lands known as 135 Fennell Avenue West, as shown on the attached map marked Appendix "J", to permit development of a 176 unit student residence and future tennis club/bubble complex subject to the following:
 - (i) Modification to plans in relation to notes, dimensions, tree preservation, landscaping, removal of references to "proposed severance line", etc., as marked in red on the plans.
 - (ii) Submission of a revised grading plan to the satisfaction of the Commissioner of the Regional Environment Department.
 - (iii) Final approval of Official Plan Amendment No. 147 and Zoning By-law No. 98-130.
 - (iv) All outstanding property taxes shall be paid in full, to the satisfaction of the City Treasurer.

10. CONSENT AGENDA**A. ADOPTION OF MINUTES**

The revised minutes of the Special meeting held 1998 August 5 were adopted as circulated.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL FOR APPROVAL:

B. BUILDING COMMISSIONER

(i) 221 Barton Street East - Commercial Property Improvement Loan Program dated 1998 September 9:

- (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to T & R Auto Service Centre Inc., for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to T & R Auto Service Centre, for improvements to 221 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
- (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

(ii) 415 Barton Street East - Commercial Property Improvement Loan Program dated 1998 September 9:

- (a) That a secured loan in the amount of fifteen thousand, nine hundred dollars (\$15,900) to Alcino Duarte, for improvements to 415 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of seven thousand, nine hundred and fifty dollars (\$7,950) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

(iii) **419 Barton Street East - Commercial Property Improvement Loan Program dated 1998 September 9:**

- (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East, be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Jose Antonio and Ana Maria Santos, for improvements to 419 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.25 per cent, amortized over a period less than seven (7) years; and,
- (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

(iv) **524 Barton Street East - Commercial Property Improvement Loan Program dated 1998 September 9:**

- (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to 603818 Ontario Limited, for improvements to 524 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,

- (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

(v) **579-581 Barton Street East - Commercial Property Improvement Loan Program dated 1998 September 11:**

- (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
- (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Macrotop Investment Inc., for improvements to 579-581 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
- (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars, (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

(vi) **810 Beach Boulevard - Hamilton Emergency Loan Program, dated 1998 September 9:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of two thousand dollars (\$2,000) be approved for Audrey Masi, 810 Beach Boulevard. The interest rate will be 2 per cent amortized over 5 years.

(vii) **864 Osborne Street - Demolition, dated 1998 September 10:**

That the Building Commissioner be authorized to issue a demolition permit for 364 Osborne Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

C. DIRECTOR OF PLANNING AND DEVELOPMENT**(i) Regional and Town of Flamborough Official Plan Amendments - Highways #5 and #6 (Clappison Corners), dated 1998 September 15:**

That Region of Hamilton-Wentworth and the Town of Flamborough be advised the City of Hamilton opposes the proposed Regional and Town of Flamborough Official Plan Amendments and the associated zoning by-law amendment, to permit the development of the lands at the south-east corner of Highways #5 and #6, for a "small power centre" containing 24,154 m² of retail commercial uses because of the impacts on the commercial areas, particularly the downtown core in Hamilton.

(ii) Proposed Draft Plan of Condominium CDM-98-04, "The Renoir", 50 Rice Avenue, dated 1998 September 14:

(a) That approval be given to application CDM-98-04 (Regional File 25CDM-98014), Eden Oak Hamilton Inc. (Romas Kartavicius), owner, to establish a draft plan of condominium, located at the southwest corner of Chedmac Drive and Rice Avenue and known municipally as 50 Rice Avenue, as shown on the attached map marked as Appendix "K", to provide for a condominium comprised of a total of 40 residential townhouse dwelling units ("The Renoir", Phase II.), subject to the following conditions:

- (i) That this approval apply to the attached draft plan (Appendix "K"), prepared by J.D. Barnes Ltd. and certified by S.J. Balaban, O.L.S., dated 1998 June 23 showing a total of 40 residential townhouse units; and,
- (ii) That the Final Plan of Condominium be in conformity with the Site Plan approved on 1998 June 8 under application DA-98-14; and,
- (iii) That the applicant satisfy all conditions of Site Plan Application DA-98-14 to the satisfaction of the City of Hamilton, prior to final approval of the Plan of Condominium; and,
- (iv) That the following warning clause be registered on title for Units 1, 2, 19, 20, 21 and 22, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"Purchasers and/or tenants are advised there is a Laundry facility located to the west of this property which services a number of hospitals"; and,

- (v) That the following warning clause be registered on title for Units 21-40 inclusive, to the satisfaction of the Director of Planning and Development and the City Solicitor:

"This unit has been fitted with forced air heating with rough-in provisions made to accommodate central air conditioning at a later date (Note: air cooling condensing unit shall be located in a noise insensitive area)."; and,

- (vi) That the applicant enter into a Condominium Approval Agreement with the City incorporating these conditions of approval, including financial and other requirements of the City concerning roads, sidewalks, street lights and drainage, as the case may be, in a form satisfactory to the City Solicitor; and,
 - (vii) That a clause be inserted on title and/or in the Condominium Agreement advising prospective purchasers of the proposed Chedmac Drive and Rice Avenue realignment; and,
 - (viii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton; and,
- (b) That the City Clerk be directed to advise the Regional Commissioner of Environment of Council's decision.
- (iii) **Removal of Part-Lot Control for "Tiffany, Phase 2" Subdivision for Lands North of Redfern Avenue, West of Sanatorium Road and South of San Pedro Drive, dated 1998 September 17, as amended:**
- (a) That approval be given to Part Lot Control Application 98-06, Chedoke Health Corporation, owner, to remove part-lot control for Lots 2 to 21, inclusive, located in "Tiffany, Phase 2", Registered Plan 62M-850, to permit the creation of maintenance easements, as shown on the attached map marked as Appendix "L"; and,
 - (b) That the appropriate By-law, to remove part lot control from Lots 2 to 21, inclusive Registered Plan 62M-850, "Tiffany, Phase 2" plan of subdivision, be enacted by Council; and,
 - (c) That the exempting By-law be restricted to a 1 year effective time period to expire on 1999 October 1; and,
 - (d) That following the enactment of this By-law, the Commissioner, Regional Environment Department (as delegate of the Minister of Municipal Affairs and Housing) be requested to grant approval to the By-law and endorse the same on the By-law.

D. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

The Committee approved the list of previously received information items as follows:

- (a) Building Commissioner re: Status of 43 Forest Avenue - Location of Brick Failure, dated 1998 September 11.

- (b) Director of Planning and Development re: Approved Site Plan Control Applications, dated 1998 September 14.
- (c) Planning and Development Department Status Report as at July 31, 1998
- (d) Ministry of Municipal Affairs and Housing re: Tenant Protection Act (Bill 96) dated June 12, 1998.
- (e) Alderman Bill Kelly re: American Planning Conference Report Dated 1998 August 27.

12. **OTHER BUSINESS**

Alderman Caplan advised that the Province of British Columbia has determined the definition of "family", as such he directed staff to prepare a report on student housing licensing By-law and to bring this report back to the Committee.

13. **ADJOURNMENT**

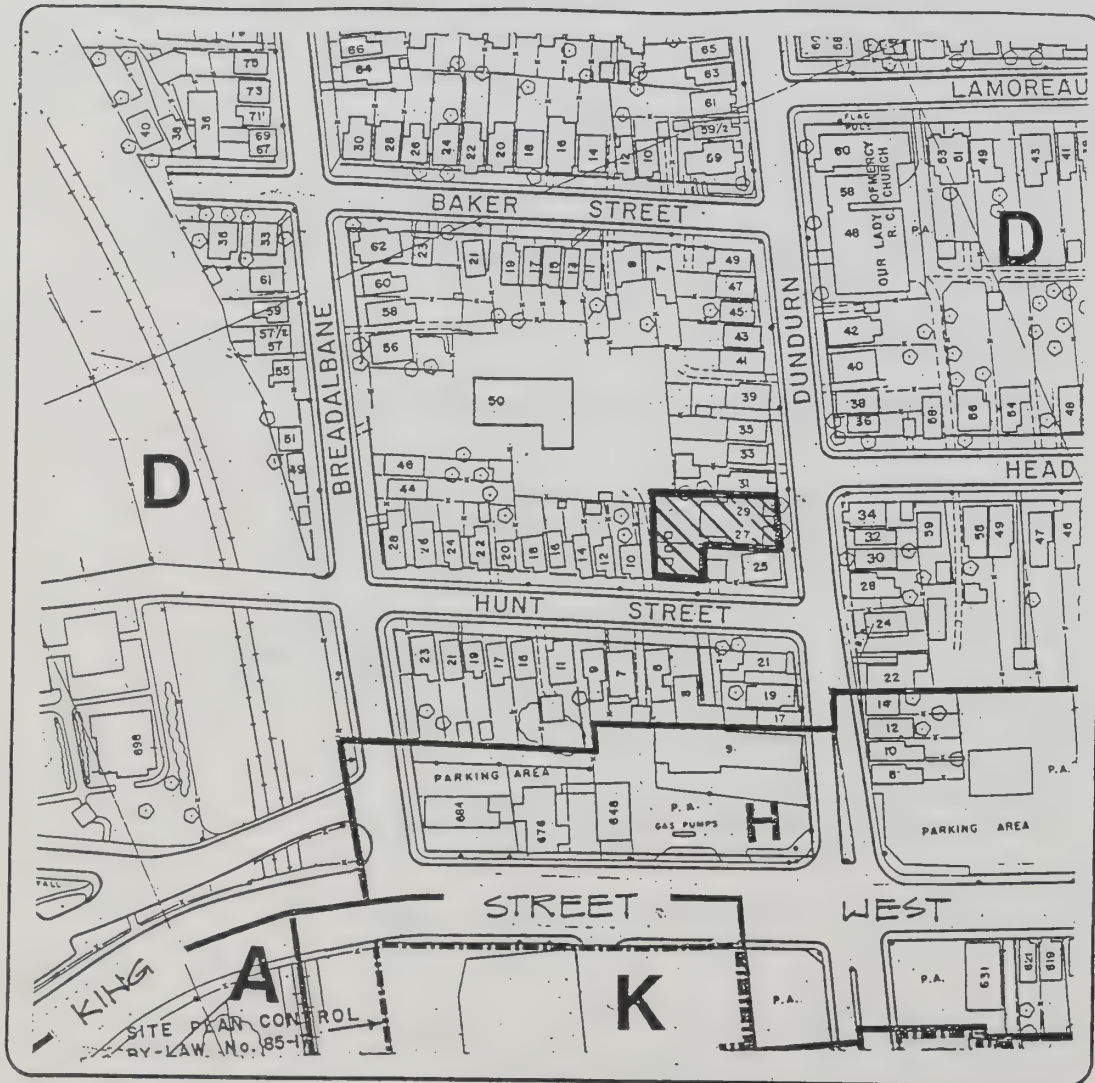
There being no further business, the Committee meeting adjourned.

**Alderman F. D'Amico, Chairman
Planning and Development Committee**

**Tina Agnello
Secretary**

/jt

Appendix "A" as referred to in
Section 1(a) & 1(b) of the Planning
and Development Committee Minutes
dated 1998 September 23



Legend

Modification in Zoning:



"D" (Urban Protected Residential -
One and Two Family Dwellings, etc.)
District modified

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
May, 1998

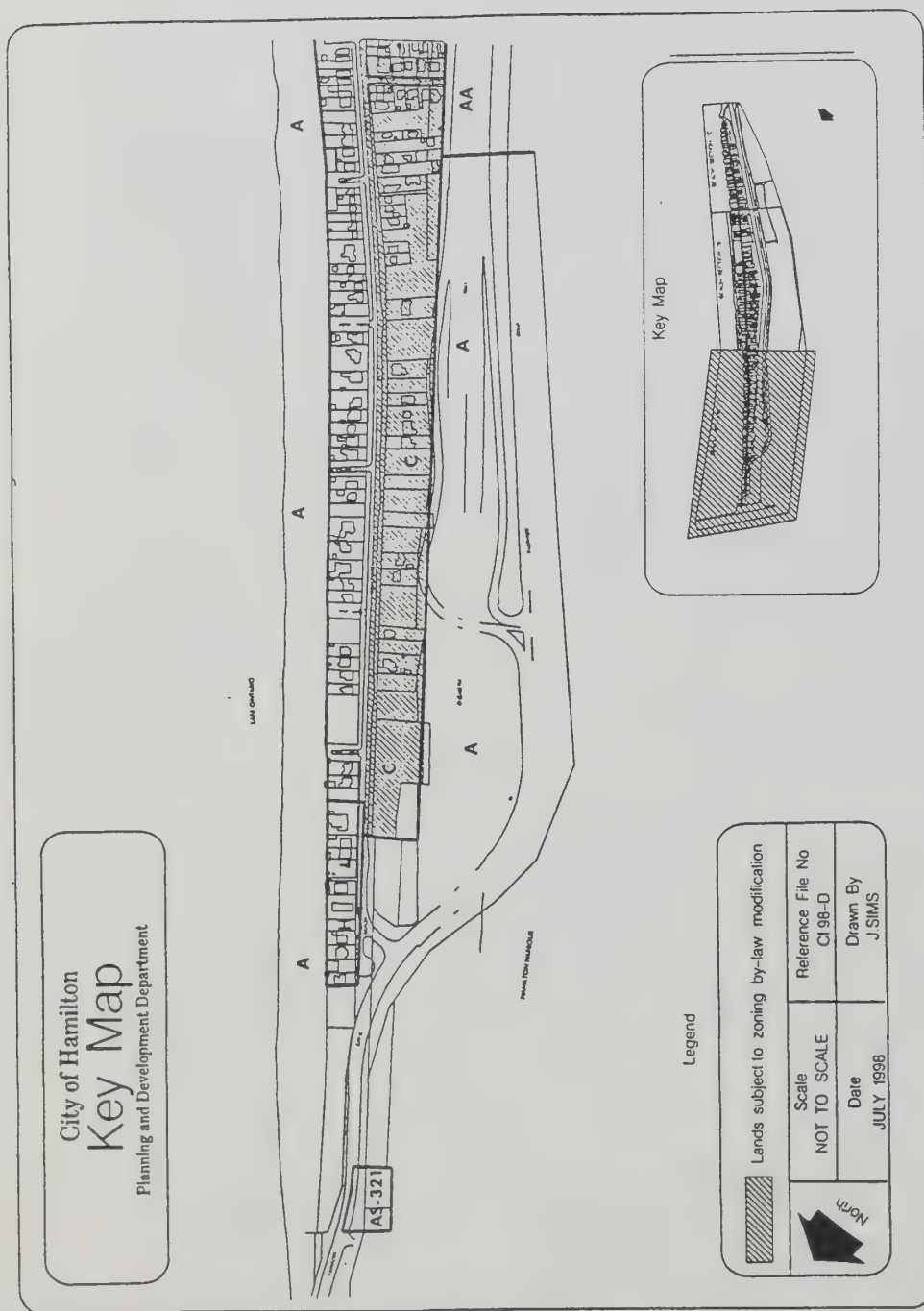
Reference File No.
ZAC-98-18

Drawn By
R. L.

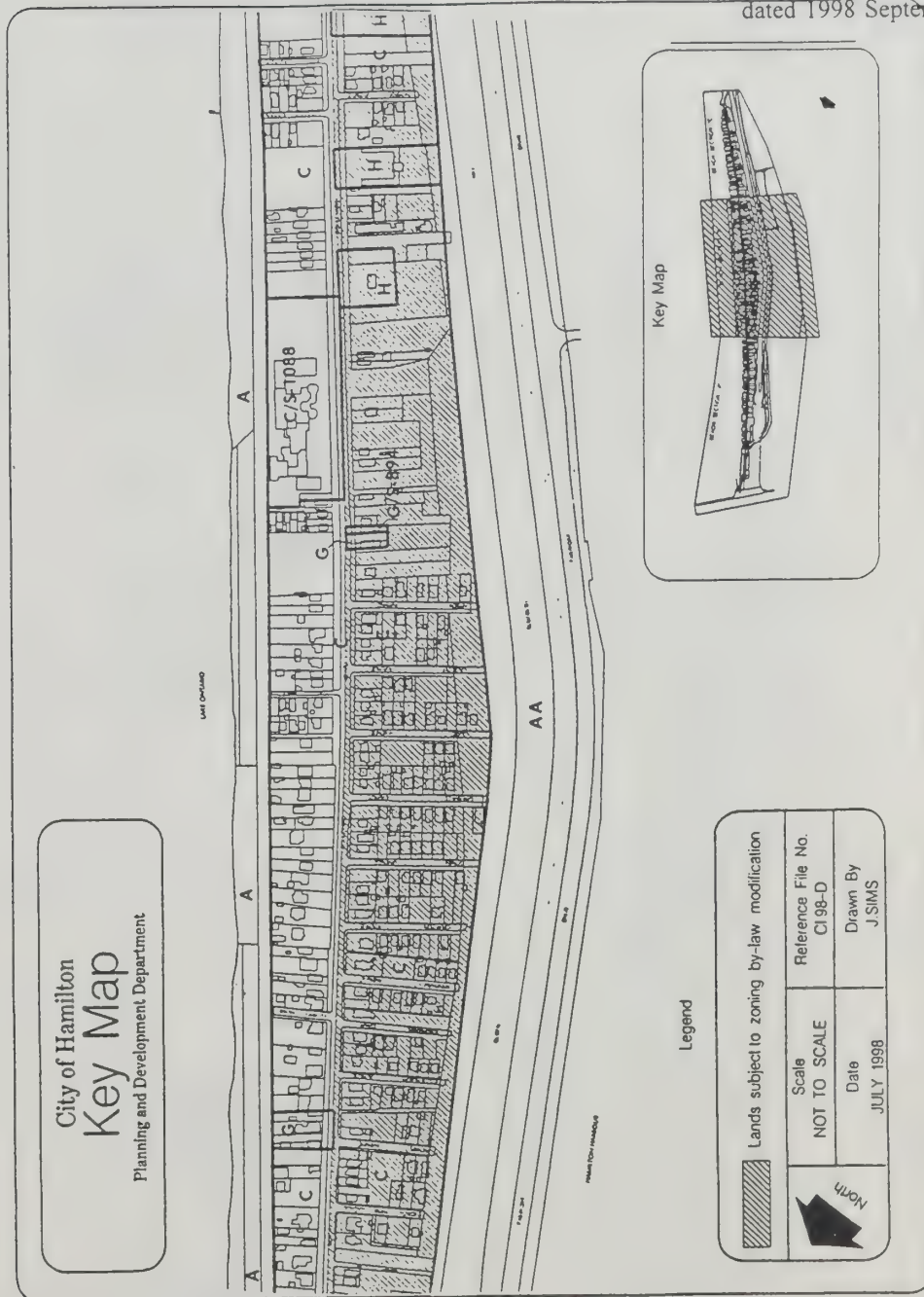
Appendix "B" as referred to in
Section 3(a) & 3(b) of the Planning
and Development Committee Minutes
dated 1998 September 23



Appendix "C" as referred to in
Section 4(a) of the Planning
and Development Committee Minutes
dated 1998 September 23



Appendix "D" as referred to in
Section 4(a) of the Planning and
Development Committee Minutes
dated 1998 September 23

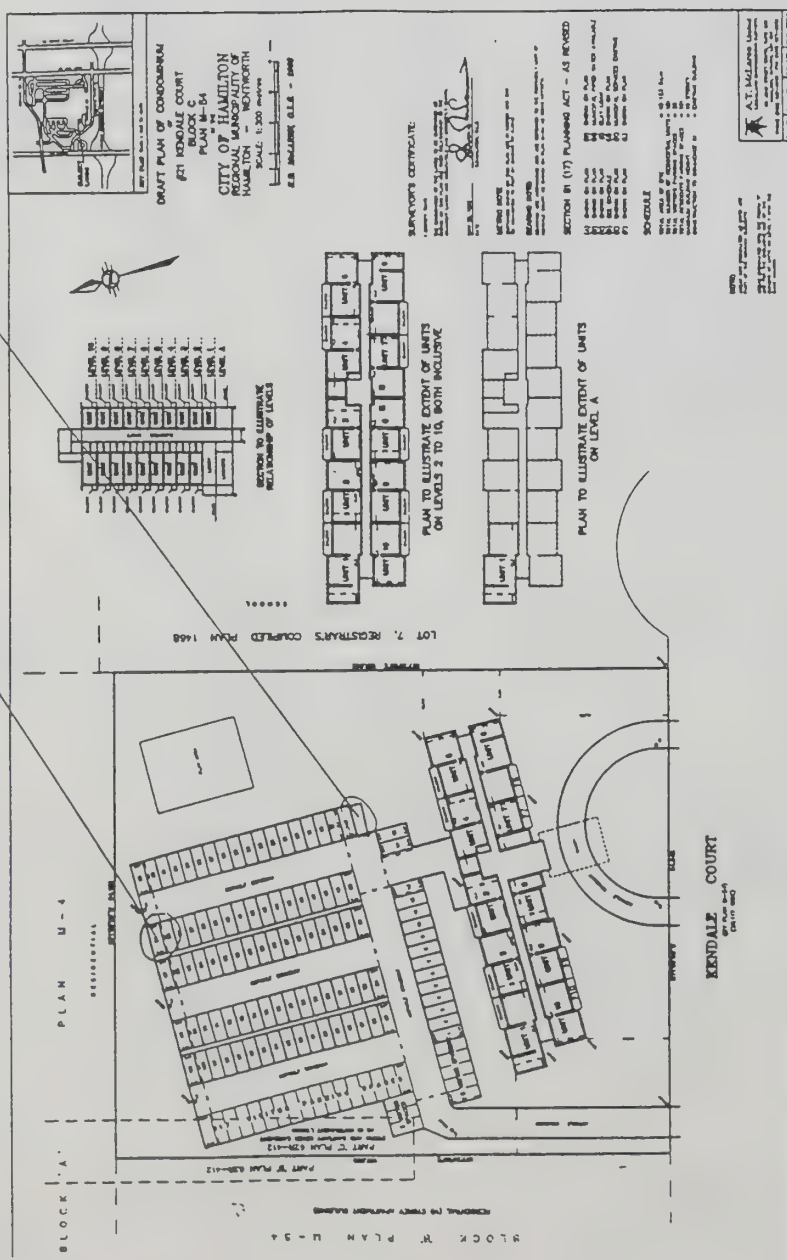


Appendix "G" as referred to in
Section 8(b) of the Planning and
Development Committee Minutes
dated 1998 September 23

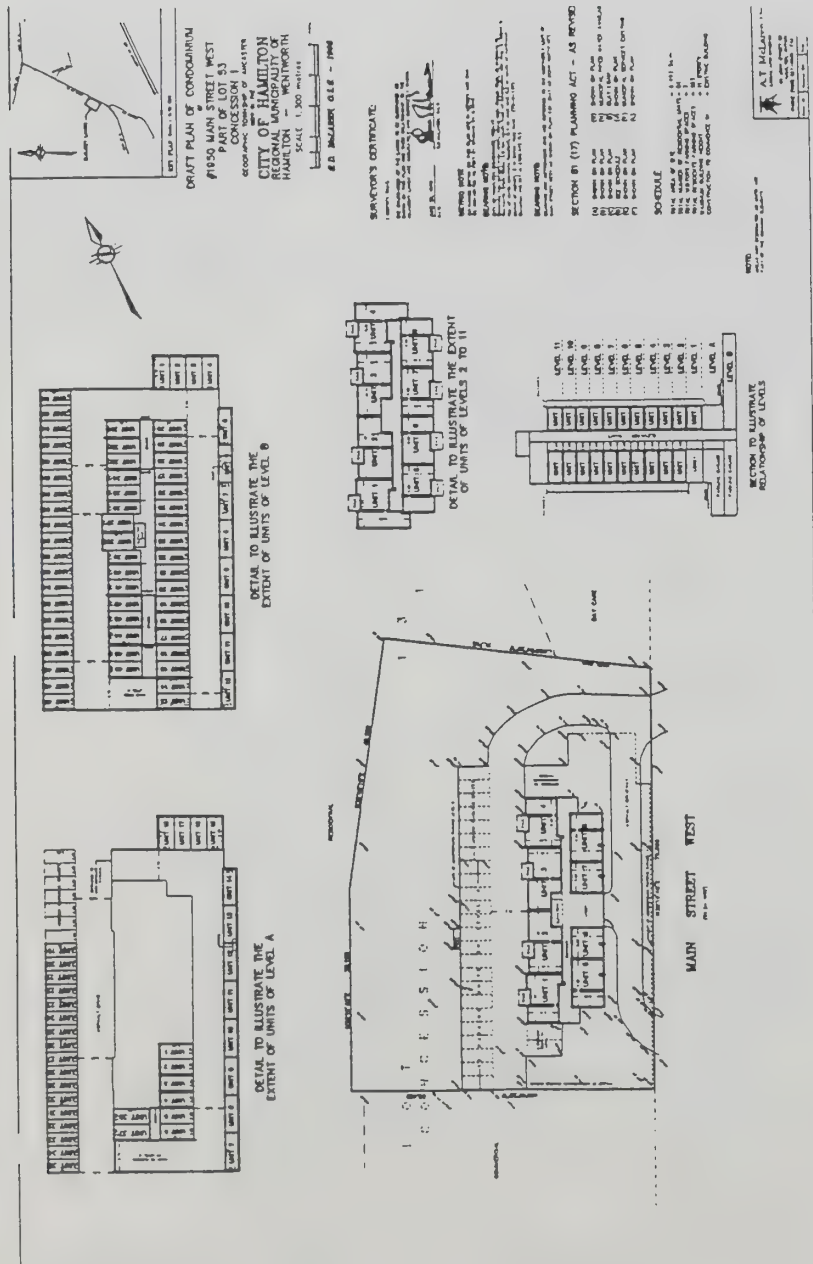
250M-98007

Additional
forking
still "ISC"

Revision to
parking stall
dimensions



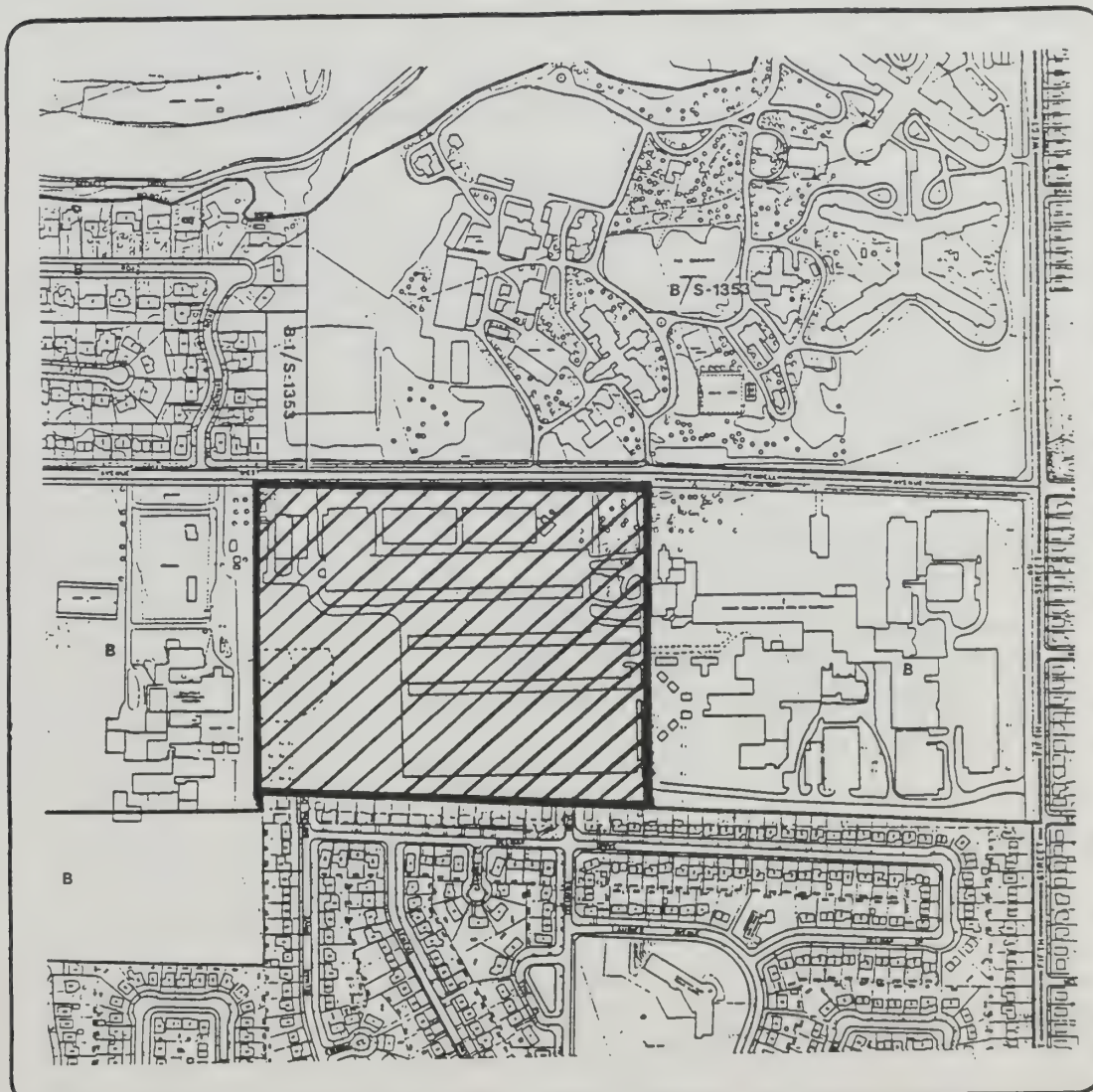
Appendix "I" as referred to in
Section 8(d) of the Planning
and Development Committee Minutes
dated 1998 September 23



25 CDM - 98011

Appendix "J" as referred to in
Section 9(d) of the Planning and
Development Committee Minutes
dated 1998 September 23

6



Legend



Site of the Application

**City of Hamilton
APPENDIX A
Location Map**

Planning and Development Department



Scale
NOT TO SCALE

Date
July, 1998

Reference File No.
(DA-98-23)

Drawn By
B. B.

Appendix "K" as referred to in
Section 10 C.(ii) of the Planning
and Development Committee Minutes
dated 1998 September 23



City of Hamilton

Location Map

Planning and Development Department

Legend



Site of application

North



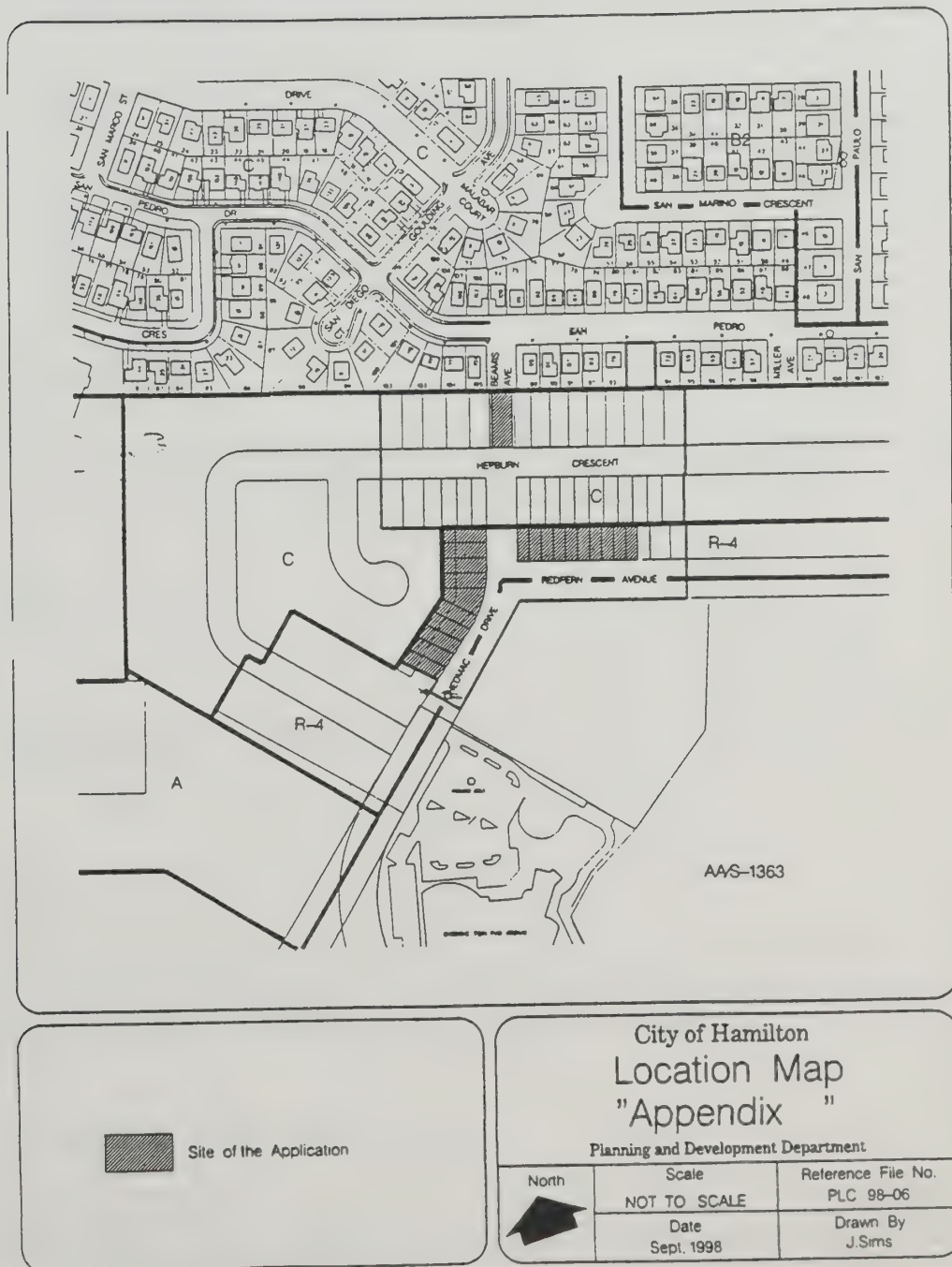
Scale
Not to Scale

Date
April 1998

Reference File No.
CDM-98-04

Drawn By
FAB

Appendix "L" as referred to in
Section 10 C.(iii) of the Planning
and Development Committee Minutes
dated 1998 September 23



B(i)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 September 29
(P5-2-21)

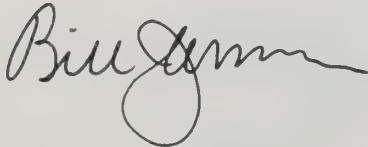
REPORT TO: Ms. Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director of Planning and Development

SUBJECT: Central Neighbourhood Plan - Authorization for a Public
Meeting

RECOMMENDATION:

That staff of the Planning and Development Department be authorized and directed to hold a public meeting to present the Central Neighbourhood Plan Update, 1998.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

A review of the Central Neighbourhood Plan has recently been completed. This work was done with the Ward Aldermen and a citizen's advisory committee. It would be appropriate to hold an evening information meeting for residents of the neighbourhood to review the proposed neighbourhood plan.

CENTRAL NEIGHBOURHOOD PLAN UPDATE:

The first Central Neighbourhood Plan was completed in the 1970's. That plan focused on eliminating industrial uses from the neighbourhood and focusing on residential development. The neighbourhood did benefit from this plan and new residential uses were developed. Central

Neighbourhood, today, faces new opportunities:

- Proximity to the downtown core and integrating the downtown core into the neighbourhood;
- The development of Bayfront and Pier 4 Parks (in the North End West Neighbourhood);
- Declining industrial development in the north-west quadrant of the neighbourhood (Barton/Tiffany/Stuart Streets);
- Strengthening the residential community through appropriate development and infill; and,
- The formation of a neighbourhood association.

Staff of the Planning and Development Department has worked with residents of the neighbourhood to develop an updated neighbourhood plan. The proposed land use schedule is attached to this report. The key elements of the updated neighbourhood plan are:

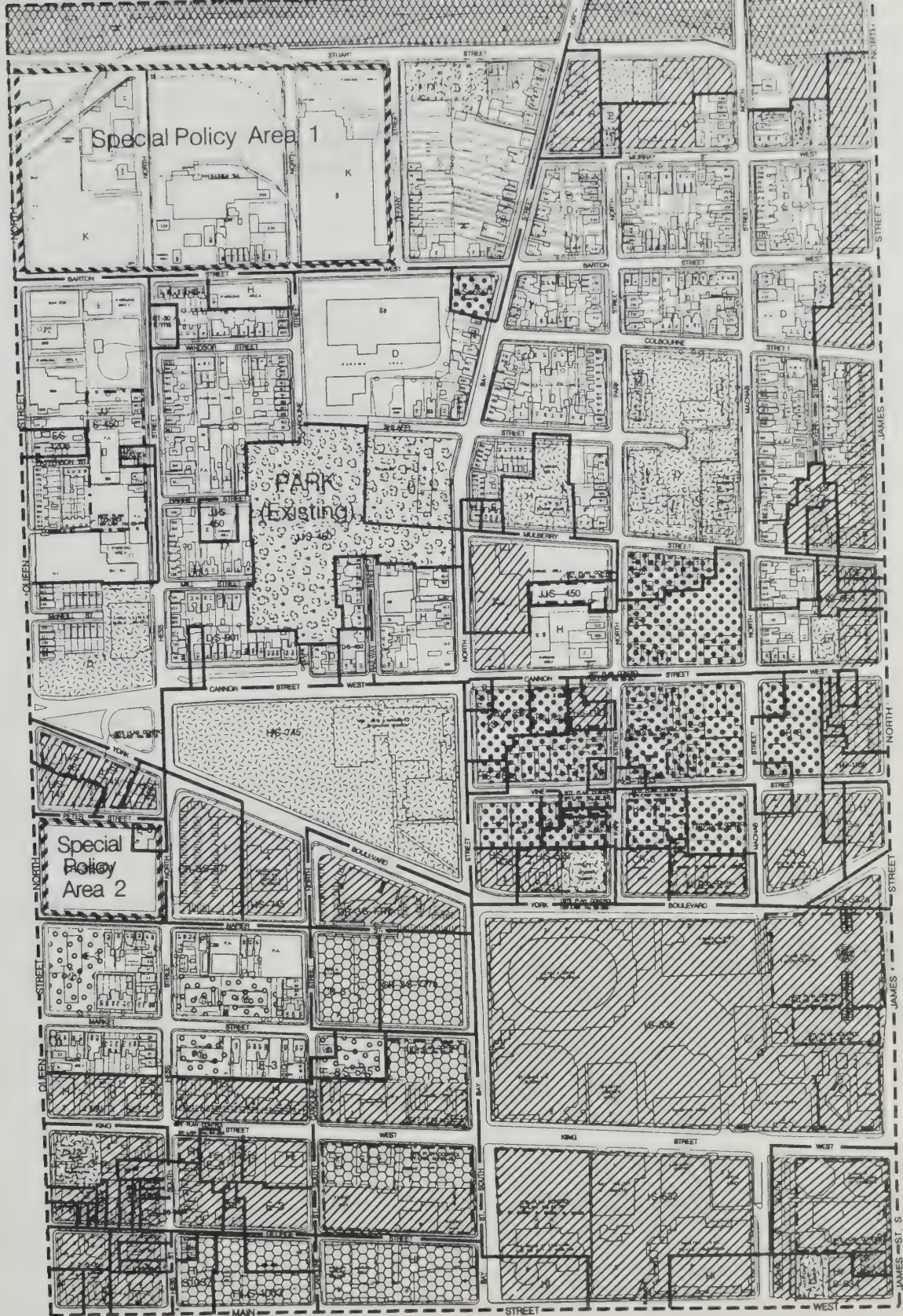
- A theme of downtown in the south end of the neighbourhood; recreational links in the northern part of the neighbourhood; and a strong residential community between these two areas;
- Increased opportunities for lower density infill housing adjacent to the downtown core and located south of Cannon Street;
- An expansion of Central Park at the time the City no longer requires its property at Bay and Sheaffe Streets for municipal offices;
- Two areas for redevelopment: the municipal parking lot at Queen, Napier, Hess, and Peter; and the area bounded by Tiffany, Stuart, Queen, and Barton Street West. In these areas, policies are established that would integrate the areas into the neighbourhood. Included in the policies is the requirement for a modified neighbourhood plan review at the time of redevelopment (the parking lot site) and the abandonment of the industrial uses (the Tiffany area);
- No additional high density residential development; and,
- Opportunities for heritage conservation districts in the neighbourhood.

The Neighbourhood Committee has worked with staff to prepare the neighbourhood plan. A meeting with the Neighbourhood Association was held earlier this year. There were positive comments at that meeting. No written submissions were received.

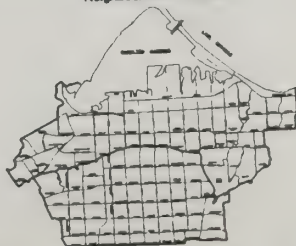
CONCLUSION:

At this time, it would be appropriate to hold a neighbourhood information meeting regarding the neighbourhood plan with the Ward Aldermen present. The plan would be brought forward to the Planning and Development Committee later this fall for adoption.

MLT/



City of Hamilton
Neighbourhood Location



1994 POPULATION

3563

Land Use

Residential

- Single & Double
- Attached Housing / Low Density Housing
- Medium / High Density Apartments
- Special Policy Area (refer to text)
- Mixed Use

Non-Residential

- Commercial
- Industrial
- Civic & Institutional
- Park & Recreational / Open Space
- Utilities

CENTRAL NEIGHBOURHOOD PLAN 1998



Prepared by City of Hamilton, Planning and Development Department

Note: This is not a legal document. For zoning verification, please contact the City Building Department.

B(ii)

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 1998 September 25
(PLC-97-04)
Lisgar Neighbourhood

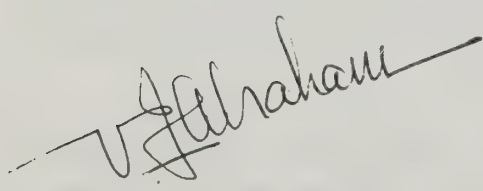
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for Extension of Removal of Part-Lot Control
"Wisemount Estates, Phase 8" Subdivision
Registered Plan No. 62M-826

RECOMMENDATION:

- (a) That approval be given to the request by John Parente, Solicitor for **822827 Ontario Inc. (A. DiSilvestro, President)**, owner, for a 1 year extension to remove part-lot control in order to establish maintenance easements for Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, located in "Wisemount Estates, Phase 8", Registered Plan No. 62M-826, known municipally as 171 - 203 Locheed Drive, inclusive, and 2 - 19 Mansion Court, inclusive, as shown on APPENDIX "A"; and,
- (b) That the attached by-law, marked as APPENDIX "B", to extend the removal of part-lot control until January 1, 2000, from Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, Registered Plan 62M-826, "Wisemount Estates, Phase 8" plan of subdivision, be enacted by Council.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The applicant, John Parente, Solicitor for 822827 Ontario Inc., owner, is proposing to establish maintenance easements in accordance with the approved plan of subdivision "Wisemount Estates - Phase 8". The maintenance easements will be on Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive. The subject lands are zoned "R-4" District which permits a zero-lot line for one side yard setback. The remaining lands of the applicant (Lots 17 - 25, inclusive) are zoned "C" District and as such, maintenance easements are not required.

By-law No. 98-19

In December, 1997, Council passed By-law No. 98-19 to remove part lot control for the subject lands and was subsequently approved by the Region on January 12, 1998. The By-law expires on December 31, 1998. The effect of By-law No. 98-19 is to permit the creation of maintenance easements on Lots 2 - 11, inclusive, 13 - 16 inclusive and Lots 27 - 29, inclusive.

Location

The lands are located west of Upper Kenilworth Avenue and south of Limeridge Road and front onto Lockheed Drive and Mansion Court in the Lisgar Neighbourhood.

COMMENTS:

1. Removal of "part-lot" control is a measure provided for under the Planning Act to permit minor division of land without having to obtain approval of each individual parcel of land by the Committee of Adjustment in accordance with their consent granting authority, thereby reducing the overall administrative process required to obtain the same objective. The measure is exercised by municipalities by registering a by-law in the Land Titles offices. It can apply only to lands within a registered plan of subdivision.
2. Section 50(7.3) of the Planning Act, allows for an expiration date to be described in the part-lot control by-law, thereby eliminating the need to repeal said by-law. Under Section 50(7.4), Council may grant an extension before the expiration of the By-law if needed without the approval of the Minister. In this regard, the extension to the exempting by-law should be restricted to a 1 year effective time period.
3. The applicant is required under the City Subdivision Agreement to obtain a part-lot control by-law to establish maintenance agreements for the future property owners to access and maintain the side of the single family dwellings set on or adjacent to the lot-line.
4. The attached by-law to remove "part-lot" control has been prepared in a form satisfactory to the City Solicitor.

CONCLUSION:

Based on the foregoing, the request to remove part-lot control can be supported.

The Corporation of the City of Hamilton

BY-LAW NO. 98—

To Extend By-law No. 98-19

Respecting:

Land within the "Wisemount Estates - Phase 8" Subdivision, Plan 62M-826
from Part Lot Control

WHEREAS subsection 5 of Section 50 of the Planning Act, (R.S.O. 1990, Chapter P.13) establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS subsection 7 of Section 50 of the Planning Act, states, in part, as follows:

- (7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.
- (7.1) **Requirement for approval of by-law.** -- A by-law passed under subsection (7) does not take effect until it has been approved by the appropriate approval authority for the purpose of sections 51 and 51.1 in respect of the land covered by the by-law.
- (7.2) **Exemption from approval.** -- An approval under subsection (7.1) is not required if the council that passes a by-law under subsection (7) is authorized to approve plans of subdivision under section 51.
- (7.3) **Expiration of by-law.** -- A by-law passed under subsection (7) may provide that the by-law expires at the expiration of the time period specified in the by-law and the by-law expires at that time.
- (7.4) **Extension of time period.** -- The council of a local municipality may, at any time before the expiration of a by-law under subsection (7), amend the by-law to extend the time period specified for the expiration of the by-law and an approval under subsection (7.1) is not required.
- (7.5) **Amendment or repeal.** -- The council of a local municipality may, without an approval under subsection (7.1), repeal or amend a by-law passed under subsection (7) to delete part of the land described in it and, when the requirements of subsection (28) have been complied with, subsection (5) applies to the land affected by the repeal or amendment.

AND WHEREAS the Minister has delegated his authority to approve by-laws enacted under subsection 7 of Section 50 of the Planning Act to the Council of The Regional Municipality of Hamilton-Wentworth pursuant to Section 4 of the Planning Act by Ontario Regulation 476/83;

AND WHEREAS the Council of the Corporation of the City of Hamilton enacted By-law No. 98-19 on December 11, 1997 to remove the lands described in section 1 thereof from part lot control, which expires on December 31, 1998,

AND WHEREAS a request has been made for an extension of the time period specified for the expiration of By-law No. 98-19, as it relates to Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, Registered Plan 62M-826 only;

AND WHEREAS approval under subsection (7.1) of the Planning Act is not required for an extension in accordance with Subsection (7.4) of the Planning Act;

NOW THEREFORE the Council of The Corporation of the City of Hamilton enacts as follows:

1. Subsection 2.(c) of By-law No. 98-19 is hereby repealed and the following substituted therefor:

"(c) Other than Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, this By-law shall no longer be of any force and effect. As it relates to Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, this By-law expires on January 1, 2000."

2. Section 1. of By-law No. 98-19 is hereby repealed and the following substituted therefor:

"Subsection 5 of Section 50 of the Planning Act, shall not apply, for the purposes of creating maintenance easements only, to the following lands:

Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, within Registered Plan Number 62M-826, in the City of Hamilton, Regional Municipality of Hamilton-Wentworth."

3. In all other respects, By-law No. 98-19 is hereby confirmed, unchanged.

4. Where this by-law has been enacted it shall be registered on title to the land described in section 1 of By-law No. 98-19.

PASSED this 13th day of October A.D. 1998.

CITY CLERK

MAYOR

(1998) _ R.P.D.C. _, October 7
822827 Ontario Inc., Owner
PLC-97-04

Ci)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1998 September 24

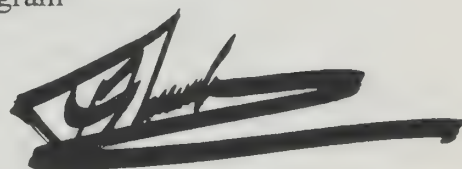
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mark Mascarenhas
General Manager, Housing and Loans Division

SUBJECT: Commercial Property Improvement Loan Program
559 Barton Street East, Hamilton

SEP 30 1998

RECOMMENDATION:



- a) That a secured loan in the amount of twenty-four thousand, eight hundred and seventy-two dollars (\$24,872) to Roger Francoeur for improvements to 559 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, four hundred and thirty-six dollars (\$12,436) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Roger Francoeur, the owner of 559 Barton Street East, has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Housing and Loans Division, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 559 Barton Street East:

- a) \$24,872 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$12,436.
Security: promissory note and lien. Monthly payments \$248.53.

A lien for \$24,872 will be registered on title in second place to a mortgage of \$58,997 in favour of Nick and Mary Fur.

MM/dk

c.c. R. Camani, Treasury Department
P. Noe Johnson , City Solicitor

Cii)

CITY OF HAMILTON

RECOMMENDATION

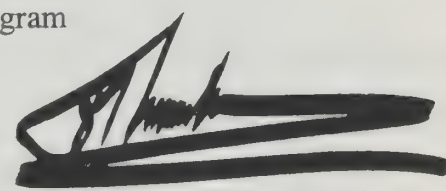
DATE: 1998 September 24 SEP 30 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mark Mascarenhas
General Manager, Housing and Loans Division

SUBJECT: Commercial Property Improvement Loan Program
561 Barton Street East, Hamilton

RECOMMENDATION:

- 
- a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Dalbir Seerha for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and
 - c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of two thousand, two hundred and thirty-two dollars (\$2,232) to Dalbir Seerha, for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - d) That a grant from the Barton Street Revitalization Fund in the amount of one thousand, one hundred and sixteen dollars (\$1,116) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Dalbir Seerha, the owner of 561 Barton Street East, has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Housing and Loans Division, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 561 Barton Street East:

- a) \$25,000 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$12,500. Security: promissory note and lien. Monthly payments \$249.81.
- b) \$2,232 loan amortized over a period less than seven (7) years at 3.75 per cent interest. Grant portion \$1,116. Security: no security other than promissory note. Monthly payments \$75.00.

A lien for \$25,000 will be registered on title. There are no registered encumbrances on title.

MM/dk

c.c. R. Camani, Treasury Department
 P. Noe Johnson, Law Department

Ciii)

CITY OF HAMILTON

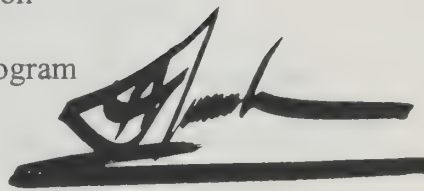
RECOMMENDATION

DATE: 1998 September 24 SEP 30 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mark Mascarenhas.
General Manager, Housing and Loans Division

SUBJECT: Commercial Property Improvement Loan Program
629 Barton Street East, Hamilton

RECOMMENDATION: 

- a) That a secured loan in the amount of thirteen thousand, eight hundred and thirty two dollars (\$13,832) to Filomena Raso, for improvements to 629 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of six thousand, nine hundred and sixteen dollars (\$6,916) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Filomena Raso, the owner of 629 Barton Street East, has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which is to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Housing and Loans Division, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 629 Barton Street East:

- a) \$13,832 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$6,916.
Security: promissory note and lien. Monthly payments \$138.22.

A lien for \$13,832 will be registered on title. There are no registered encumbrances on title.

MM/dk

c.c. R. Camani, Treasury Department
P. Noe Johnson, Law Department

Civ)

CITY OF HAMILTON

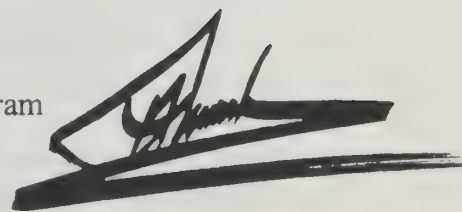
RECOMMENDATION

DATE: 1998 September 24 SEP 30 1998

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mark Mascarenhas
General Manager, Housing and Loans Division

SUBJECT: Commercial Property Improvement Loan Program
657 Barton Street East, Hamilton



RECOMMENDATION:

- a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Allan Hendry for improvements to 657 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and
- c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Allan Hendry, for improvements to 657 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
- d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

Allan Hendry, the owner of 657 Barton Street East, has applied for assistance under the City of Hamilton's Commercial Property Improvement Loan Program. As per the terms of the Program, the Building Department has inspected the property under Property Standards By-law 94-185 and the necessary repairs have been included in the approved estimates.

The Barton Business Improvement Area (B.I.A.) has approved the work which to be undertaken by the owner.

The property is in the Barton Street Improvement Area and is, therefore, eligible for a grant from the Barton Street Revitalization Fund.

The Housing and Loans Division, therefore, recommends the approval of the following loan and grant to the applicant for improvements to 657 Barton Street East:

- a) \$25,000 loan amortized over ten (10) years at 3.75 per cent interest. Grant portion \$12,500. Security: promissory note and lien. Monthly payments \$249.81.
- b) \$5,000 loan amortized over a period less than seven (7) years at 3.75 per cent interest. Grant portion \$2,500. Security: no security other than promissory note. Monthly payments \$75.00.

A lien for \$25,000 will be registered on title in second place to a mortgage of \$25,000 in favour of Dawn Christilaw.

MM/dk

c.c. R. Camani, Treasury Department
 P. Noe Johnson, Law Department

Cv)

CITY OF HAMILTON

RECOMMENDATION

DATE: 1998 September 24 SEP 30 1998

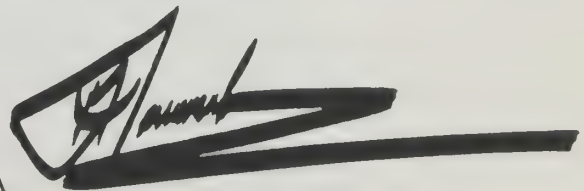
REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Mark Mascarenhas
General Manager, Housing and Loans Division

SUBJECT: Hamilton Emergency Loan Program (H.E.L.P.)
26 Case Street, Hamilton

RECOMMENDATION:

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and four dollars (\$1,204) be approved for Roberto and Lilla Distefano, 26 Case Street. The interest rate will be 2 per cent amortized over 5 years.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

The Planning and Development Committee and City Council approved the establishment of an Emergency Loan Program in order to provide immediate assistance to owner/occupants of residential units. In order to be eligible, an applicant had to qualify for one of the Federally or Provincially sponsored loan and grant programs. A maximum loan of \$2,000 could be approved providing the emergency fell under one of the following five (5) categories: heating, electrical, plumbing, roofing or accessibility. The application would be processed within forty-eight (48) hours and would be secured by a Promissory Note. Formal approval would be obtained upon completion.

The Building Department, Housing and Loans, Division, recently finalized an Emergency Loan for, Roberto and Lilla Distefano, 26 Case Street, in the amount of \$1,204. The chimney has been repaired, and the Department recommends approval in the amount of \$1,204 at 2% interest and amortized over five (5) years.

LCK/MM/dk

c.c. R. Camani, Treasury Department

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 September 21

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Charlene Touzel, Secretary
Local Architectural Conservation Advisory Committee

SUBJECT: Made-in-Hamilton Industrial Trail Project – Letter of Support for Funding Application

RECOMMENDATION:

That the Local Architectural Conservation Advisory Committee provide a letter of support to the Ontario Workers' Arts and Heritage Centre for an application made to the Ontario Ministry of Citizenship, Culture and Recreation's Cultural Strategic Development Fund for a grant of \$19,600 to assist with the Made-in-Hamilton Industrial Trail Implementation Plan.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The total budget for the Implementation Plan is \$38,4000 for expenses including an honourarium for a researcher, report production, photography, consultation, etc. A grant of \$4,000 has already been awarded by the Hamilton Community Foundation. The City of Hamilton will be asked to provide in-kind services for the printing of the report.

BACKGROUND:

The concept for the Made-in-Hamilton Industrial Trail has been developed over the past two years by the Ontario Workers' Arts and Heritage Centre, in collaboration with local architect Tony Butler and other heritage organizations. The proposed trail would link together a number of sites and buildings connected with the City's past and present industries, to create a large, decentralized eco-museum.

The project is being co-ordinated by the Ontario Workers' Arts and Heritage Centre, with the input of a number of partners represented on the Made-in-Hamilton Industrial Trail Advisory Committee, which includes Architect Tony Butler, the Hamilton Museum of Steam and Technology, the Hamilton Historical Board, the Hamilton LACAC, the Architectural Conservancy of Ontario (Hamilton Region Branch), the Hamilton and District Chamber of Commerce, the Hamilton and District Labour Council, the Green Planet Tour Company and Westfield Heritage Centre.

The total budget for the project is \$188,000. In addition to the grant from the Hamilton Community Foundation to support the development of the implementation plan, a grant of \$60,000 has been awarded from the Canada Millennium Partnership Program for the actual implementation of the trail. Contributions will be sought from local businesses and industries for this phase.

The Hamilton Historical Board at its meeting held 1998 September 8 recommended that the Board provide a similar letter of support for this project.

The Made-in-Hamilton Industrial Trail, if successfully implemented, could make a major contribution to the preservation of significant industrial sites, buildings and artifacts dating from the 19th and early 20th centuries and foster a greater public awareness of the important role of industry in Hamilton's development as a City. It has the potential to become a major tourist attraction, closely linked to the Hamilton Museum of Steam and Technology, with its nationally significant 1859 waterworks complex. It is worth noting that similar industrial heritage projects have been successful in a number of American cities, for example, Lowell National Historical Park in Massachusetts.

cc Victor Abraham, Director, Planning and Development Department
Nina Chapple, Planning and Development Department
Marilynn Havelka, Culture and Recreation Department

E.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 1

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Items

RECOMMENDATION:

That the following Information Items, which have been previously forwarded to members of the Committee under separate cover, be received for information purposes:

- (a) Secretary, LACAC re: Minutes of the meetings held 1998 July 6 and 28 dated 1998 September 21
- (b) Director of Planning and Development re: Approved Site Plan Application, dated 1998 September 28
- (c) Building Commissioner re: Building Department Status Report as at July 31, 1998 dated 1998 September 29
- (d) Building Commissioner re: Property Standards Bylaw, dated 1998 September 29

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

[Handwritten signature]

N/A

BACKGROUND:

The above-noted documents have been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive these documents will ensure that the circulation procedure is recorded for these matters.

URBAN
MUNICIPAL



CAY ON HBL A05
C51P4
1998

NOTICE OF MEETING

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 October 21
9:30 o'clock a.m.
Room 233, City Hall

URBAN MUNICIPAL

OCT 16 1998

GOVERNMENT DOCUMENTS

Tina Agnello, Secretary
Planning and Development Committee

AGENDA

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

1. Zoning Application 98-33, by 1242324 Ontario Inc., Dominic Occhionorelli, owner, for a modification to the "H" District (Block "1") and "G-1" District (Block "2") for property located at 330 and 342 Dundurn Street South.
2. Zoning Application 98-38, by Aurelio Marrone and Laurie Marrone, owners, for a change in zoning from "AA" District to "C" District for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue, at the rear of 1465 Upper Sherman Avenue.
3. Zoning Application 98-36, by Silvestri Investments Limited, owner, for a change in zoning from "AA" District to "C" District for lands located north of Stone Church Road East and west of the future extension of Dristin Drive in the "Falconstone" draft approved plan of subdivision.
4. REFERRAL FROM CITY COUNCIL

Co-sharing of Appeal, Southam Park Neighbourhood



**PLANNING AND DEVELOPMENT COMMITTEE
MEETING - 1998 OCTOBER 21
REGULAR AGENDA**

Page 2

5. DELEGATION

George Dark, Urban Strategies
Kevin Donahue, Price Waterhouse Coopers
Design Study of the Downtown Secondary Plan
(no copy)

6. COMMISSIONER OF PUBLIC WORKS AND TRAFFIC

Ferguson Avenue between King Street East and King William Street –
Awarding of Contract

7. CONSENT AGENDA

8. OTHER BUSINESS

9. ADJOURNMENT

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

NO	Item	Original Date	Action	Status
1.	ZA-94-30, 336-338 King St. W.-Columbia College	1995 August 23	Agent to revise plans	Tabled at the request of the agent
2.	Hamilton Harbour Land Use	1997 February 19	Staff report on site plan control procedures and incineration as a use on Harbour Lands	Report forthcoming
3.	ZA-97-02, 310 Limeridge Road West	1997 March 19	Alternate Uses for the property to be investigated	Tabled. To be brought back on 1997 May 21
4.	RHPA application CD-96-004, 222 Gage Avenue South	1997 April 2 and 1997 May 7	Ward Aldermen to meet with applicant and residents	Tabled for 6 mos. (to first meeting of Nov 1997)
5.	RHPA application CD-96-005, 155 Market Street	1997 April 23	Applicant to meet with residents in order to address their concerns	Tabled for 2 months
6.	Boulevard Policy for New Subdivisions	1997 July 2	Staff directed to prepare report	Report forthcoming
7.	Planning Tariff Fees – Condominium & Subdivisions	1997 August 20	Sub-Committee to review and report back	Pending
	Licensing of New Hazardous Waste Sites	1997 August 20	Referred to Planning and Law Department Staff for report	Pending
9.	Demolition Permit Application - 30 Norfolk Street North	1997 October 22	Tabled Until legal issues are resolved	Pending
10.	Parking Restrictions	1998 February 4	Referred to Planning & Building Depts. for staff reports	Pending
11.	York Boulevard Design Guidelines	1998 April 22	Planning Staff directed to provide a review for cttee	Pending
12.	St. Mark's Centre	1998 April 22 and 1998 May 6	Information requested on funding of repairs and comprehensive Plan	Pending
13.	ZA 98-26, 334 East 14th St.	1998 September 23	Proponents to meet with residents to resolve concerns	To be lifted from the table 1998 October 21
14.	Convert/Renovate-to-Residential Loan Program & the Downtown Heritage Core 2000 Program	1998 September 23	Staff to prepare a report on additional Financing	Pending
15.	Student Housing Licencing By-law	1998 September 23	Staff to Prepare a report	Pending
16.	Correspondence from the Ainslie Wood/Westdale Community Associations	1998 October 7	Referred to staff	Report Forthcoming

PLANNING AND DEVELOPMENT COMMITTEE OUTSTANDING LIST

	Item	Original Date	Action	Status
17.	Draft Plans of Condominium: (i) 293 Mohawk Road E. (ii) 37-57 Mericourt Rd. (iii) 893 Concession St.	1998 October 7	Tabled for additional tenant information	Report Forthcoming

1998 October 13

1.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 October 13
(ZAR-98-33)

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Victor J. Abraham
Director of Planning and Development

SUBJECT: Modification in zoning - 330 and 342 Dundurn Street South

RECOMMENDATION:

- A. That approval be given to Zoning Application 98 - 33, 1242324 Ontario Inc., Dominic Occhionorelli, owner, for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "1") and "G - 1" (Designed Shopping Centre) District (Block "2") to permit a lodging house to accommodate ninety (90) senior citizens within the existing building, for property located at 330 and 342 Dundurn Street South, as shown on the attached map marked as Appendix "A", on the following basis:
- i) That the "H" (Community Shopping and Commercial, etc.) District regulations as contained in Section 14 of Zoning By-law 6593, applicable to Block "1" be modified to include the following variances as special provisions:
 - a) That notwithstanding Section 14(1) (i), the following uses shall be permitted:
 - (i) a senior citizens "lodging house" for the accommodation of a maximum of ninety (90) persons within three floors of the building;
 - (ii) a lodging room having bathroom facilities;
 - ii) That the "G-1" (Design Shopping Centre) District regulations as contained in Section 13A of Zoning By-law 6593, applicable to Block "2" be modified to include the following variance as a special provision:
 - (a) That notwithstanding Section 13A(1), only parking accessory to the lodging house on Block "1" shall be permitted.
 - iii) That the amending by-law be added to Section 19B of Zoning By-law No. 6593 as Schedule S- , and that the subject lands on Zoning District Map W-24 be notated S- .

- iv) That the City Solicitor be directed to prepare a By-law to amend zoning By-law No. 6593 and Zoning District Map W-24, for presentation to City Council.
- v) That this proposed modification in zoning is in conformity with the Official Plan for the Hamilton Planning Area.
- vi) That Blocks "1" and "2" be redesignated on the Approved Kirkendall North Neighbourhood Plan from "Commercial" to "Medium Density Apartments" upon finalization of the implementing By-law.
- vii) That for the purpose of this By-law, a senior citizens lodging house means a lodging house within which all residents are at least 60 years of age or older.

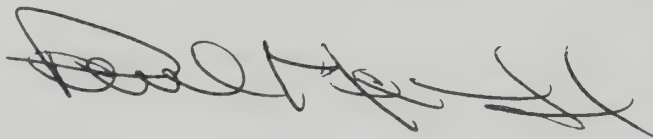
EXPLANATORY NOTE:

The purpose of the By-law is to provide for a modification to the established "H" (Community Shopping and Commercial, etc.) District (Block "1") and "G-1" (Designed Shopping and Commercial) District (Block "2") for lands located at 330 and 342 Dundurn Street South as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit redevelopment of Block "1" for a senior citizens lodging house for the accommodation of a maximum of ninety (90) persons within three (3) floors of the building on Block "1", and accessory parking to the lodging house on Block "2".

In addition, the By-law provides for the following variances:

- To permit each lodging room to have washroom facilities; and
- Defines a senior citizens lodging house as a lodging house within which all residents are at least sixty (60) years of age or older.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

- Proposal

The applicant proposes to redevelop the existing building (former Mr. Grocer), on Block "1", to accommodate ninety (90) senior citizens in a lodging house. Block "2" of the lands will provide 102 parking spaces for the lodging house.

Site Plan Control Application DA-98-24

The applicant has submitted the Site Plan Control Application to redevelop the property at 330-342 Dundurn Street South as a lodging house to accommodate fifty (50) persons. This application is currently under review and has not yet been finalized.

Committee of Adjustment Application, A-98-38

On April 1, 1998 the Committee of Adjustment granted an application, so as to permit the conversion of the existing building to contain two floors, with a one storey addition to the northwest corner for the use of a lodging house for a maximum of 50 persons and erect a third storey for lodging house storage purposes only, notwithstanding that:

- 1) The one storey addition will be as close as 4.04m (13.25') from the rear boundary of the "H" District portion of land instead of the required 7.5m (24.61') minimum;
- 2) an existing .42m (1.375') southerly side yard shall be maintained for the proposed three storey building instead of the required 2.7m (8.86') minimum and a further eaves projection of .42m (1.375') maximum instead of .21m (.689') maximum;
- 3) the rear portion of the lands located within the "G-1" District to be used for the purpose of providing the required 25 minimum parking spaces for the permitted lodging house located within the "H" District portion of lands;
- 4) within each of the permitted lodging rooms there will be one bathroom for the exclusive use of the individual occupant instead of lodging rooms that do not have bathrooms for each individual occupant as defined.

The decision of the Committee is final and binding as of April 22, 1998.

APPLICANT:

1242324 Ontario Inc. (Dominic Occhionorelli), owner.

LOT SIZE AND AREA:

Block "1" and "2"

- 64.00 m (210 ft.) of lot frontage on Dundurn Street South;
- 123.13 m (404 ft.) of lot depth; and
- 7551.341 m² (81,282 sq. ft.) of lot area

LAND USE AND ZONING:

	<u>EXISTING LAND USE</u>	<u>EXISTING ZONING</u>
<u>SUBJECT LANDS:</u>	Vacant Grocery Store	"H" (Community Shopping and Commercial, etc.) District and "G-1" (Designed Shopping Centre) District
<u>SURROUNDING LAND:</u>		
to the north	Commercial and Single Family Dwellings	"H" (Community Shopping and Commercial, etc.) District and "D" Urban Protected Residential – One and Two Family Dwellings, etc.) District
to the south	Commercial, Single Family Dwellings, Three Family Dwellings	"H" (Community Shopping and Commercial, etc.) District
to the east	Commercial	"H" (Community Shopping and Commercial) District
to the west	Multiple Dwellings	"E-2" (Multiple Dwellings) District

OFFICIAL PLAN:

The lands are designated "COMMERCIAL" on Schedule "A" – Land Use Concept to the Official Plan. The following policies should be noted:

- "2.1.8 It is the intent of Council that a variety of housing styles, types and densities be available in all RESIDENTIAL areas of the City, and further, that proposals for new development or redevelopment will contribute to the desired mix of housing where

practicable. In this regard, Council will be guided by the Housing Policies of Subsection C.7 and the Neighbourhood Plan Policies of Subsection D.2.

2.2.1 The primary uses permitted in the areas exceeding 0.4 hectare designated on Schedule "A" as COMMERCIAL will be for Commerce. In this regard, Commerce is defined as establishments involved in the buying and selling of goods and services; business offices; and hotels, convention and entertainment facilities. In addition to the primary permitted uses, the following may be permitted within COMMERCIAL areas provided that they have been designated in the Neighbourhood Plan, where one exists:

- i) Residential uses subject to the following provisions:
 - a) access drive and parking will be screened and/or buffered such that noise, light or undesirable visual impacts emanating from neighbouring COMMERCIAL USES are mitigated;
 - b) any impacts emanating from adjacent COMMERCIAL USES which will detract from the amenity of the Residential Use will be minimized;
 - c) in the case of a Residential use ancillary to a COMMERCIAL USE, sufficient amenity space will be provided exclusively for the Residential component and be physically separated from the COMMERCIAL component and associated customer parking areas; and,
 - d) satisfy the provisions of Subsections A.2.1 and C.7.

2.2.14 The EXTENDED COMMERCIAL category applies to existing stretches of individually managed Commercial establishments located along Arterial Roads, serving both pedestrian and automobile borne trade. It consists of:

- i) "Ribbon" Commercial uses on smaller lots serving predominantly residents and pedestrians in the vicinity, with some specialized Commercial uses attracting automobile borne traffic from beyond the local area; and,
- ii) Larger scaled "Highway" Commercial uses on deep lots, reliant on locations readily accessible to private vehicles specifically coming to, and parking on, the premises to do business.

2.2.17 Residential uses may be permitted within EXTENDED COMMERCIAL areas without an amendment to this Plan where they will not restrict or interfere with the function of the primary permitted uses, and subject to the provisions of Policy A.2.2.1 i) and any other related policies as set out in this Subsection.

7.1 In the development of new RESIDENTIAL areas and, as far as practicable, in the infilling or redevelopment of established areas, council may undertake or require the following in order to achieve high standards of RESIDENTIAL amenity:

i) Provision and maintenance of adequate off-street parking;

7.3 Council will encourage a RESIDENTIAL ENVIRONMENT of an adequate physical condition that contains a variety of housing forms that will meet the needs of present and future residents. Accordingly, Council will:

ii) Support RESIDENTIAL development such as infilling, redevelopment and the conversion of non-residential structures that makes more efficient use of the existing building stock and/or physical infrastructure that recognize and enhance the scale and character of the existing residential area by having regard to natural vegetation, lot frontages and areas, building height, coverage, mass, setbacks, privacy and overview;

ix) Support the concept of a RESIDENTIAL community that provides a diversity of dwelling forms and housing options accessible to all Hamilton residents;"

The proposal does not conflict with the intent of the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Commercial" on the approved Kirkendall North Neighbourhood Plan. If approved, a redesignation from "Commercial" to "Medium Density Apartments" is required.

RESULTS OF CIRCULARIZATION:

- The following Departments and agencies have no comments:
 - Hamilton Region Conservation Authority; and,
 - Union Gas.
- The Treasury Department has advised that there are tax arrears.
- The Regional Environment Department advised that:

"There are public watermains and combined storm and sanitary sewers available to service the subject lands.

1. The existing and designated road allowance widths of Dundurn Street South and Aberdeen Avenue is 20.12 m. Therefore we do not anticipate any further road allowance widenings at this time.
2. All details of the access design, encroachment agreements, landscaping, motorist visibility triangles, etc. adjacent to Dundurn Street South and Aberdeen Avenue will be addressed under Site Plan Control Application DA-98-24.
3. The applicant/owner should be advised that any works which may occur within either the Dundurn Street South or Aberdeen Avenue road

allowances must conform to the Region of Hamilton-Wentworth Roads Use By-law."

- The Regional Environment Department (Planning Section) advised that:

"REGIONAL COMMENTS: The subject lands are identified as "Urban Area" in the Hamilton-Wentworth Official Plan.

PROVINCIAL COMMENTS: The application has been reviewed with respect to the Provincial Policy Statement (PPS) to determine if the application has regard for this statement. The application falls within the parameters of the PPS."

- The Department of Public Works and Traffic has advised that:

"We have no objection to a modification in zoning to permit an increase in the occupancy of the proposed lodging home from 50 persons to 90 persons since there is sufficient parking provided on site to support the increase.

However, it should be noted that the submitted plan states a maximum of 50 persons and does not reflect this proposed increase in occupancy. In addition, there are outstanding issues related to the access to the site which will be addressed through the finalization of the site plan application, DA-98-24."

- The Building Department has verbally advised that the proposed use of a "lodging house" does not permit separate washroom facilities for each room and the decision of the Committee of Adjustment A-98-38 is still applicable to the subject lands.

COMMENTS:

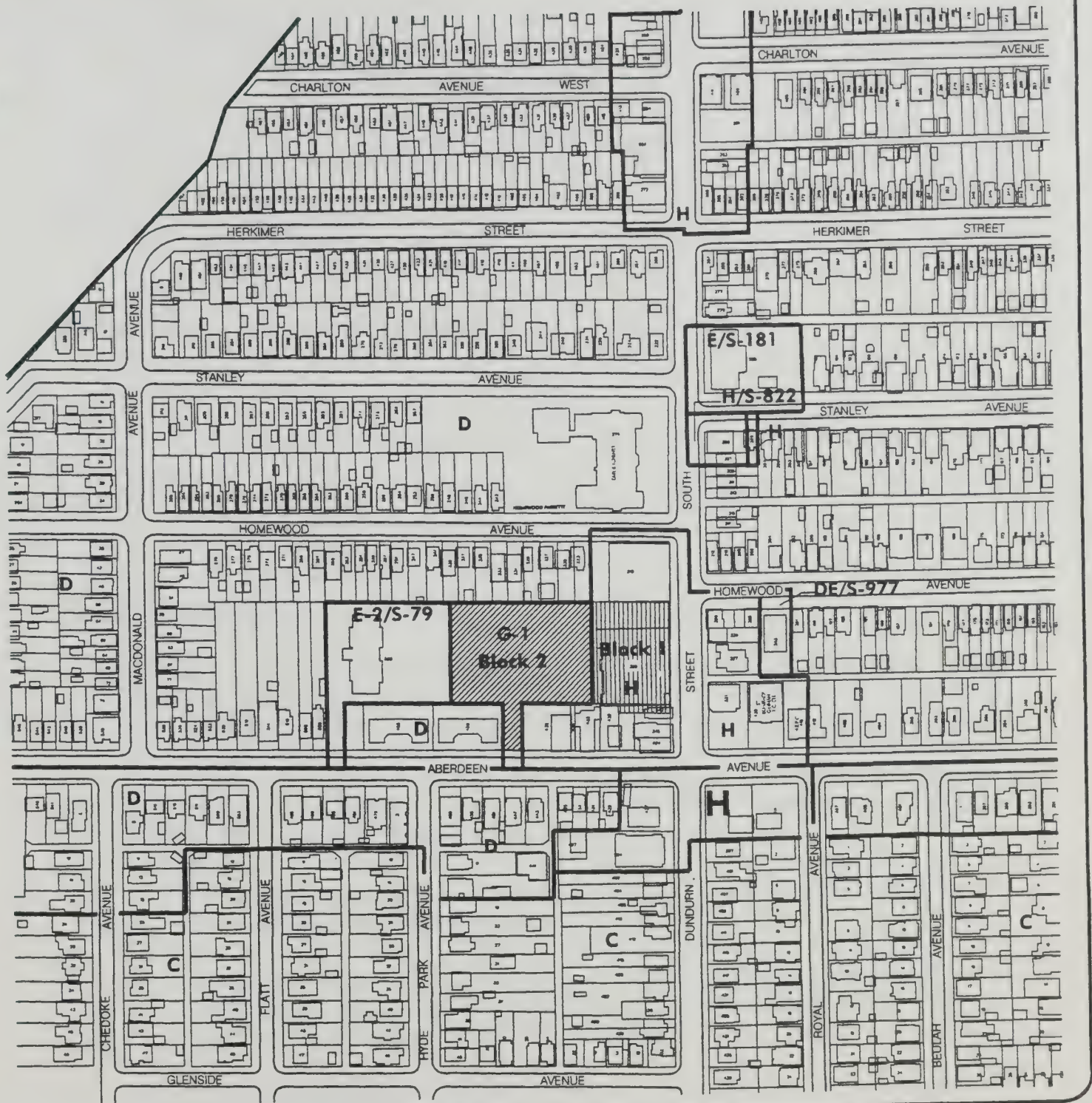
1. The proposal does not conflict with the Official Plan.
2. The approved Kirkendall North Neighbourhood Plan designates the subject lands as "Commercial". If approved a redesignation from "Commercial" to "Medium Density Apartments" is required.
3. The proposal has merit and can be supported for the following reasons:

- It complies with the intent of the Official Plan, which encourages development that provides a diversity of dwelling forms, tenure options and arrange of affordable dwellings;
 - It is appropriately located on an arterial road (Dundurn Street South) at the periphery of the Kirkendall Neighbourhood;
 - It will provide for seniors accommodation which is well serviced by public transit and is in close proximity to a number of community facilities (ie. commercial establishments, churches, etc.), while maintaining and enhancing the commercial frontage along Dundurn Street South;
 - It will be compatible with established development in the surrounding mixed use area, which is comprised of commercial uses, institutional uses and multiple-family and low density residential uses; and,
 - The development will be separated and buffered from adjacent residential uses and Block "2" will be used for parking only and provides a landscaped buffer strip and visual barrier.
4. The "H" (Community Shopping and Commercial, etc.) District and "G-1" (Designed Shopping Centre) District is subject to Site Plan Control By-law No. 79-275, as amended by By-law 87-223 and 98-173. Matters related to access, landscaping, grading, fencing, lighting, etc. will be reviewed at the site plan approval stage of development.
 5. With respect to the Building Department comments, it should be noted that the proposed By-law provides for each room to have separate washroom facilities as proposed by the Applicant.
 6. With respect to the Realty Tax arrears as noted by the Treasury Department, the applicant should be advised that it is City Council's policy that this matter be brought into good standing prior to registration of the Site Plan Control Agreement.

CONCLUSION:

Based on the foregoing, the proposal can be supported.

JL/mm



Sites of the Application



Block 1



Block 2

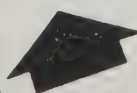
Modification to the "H" (Community Shopping and Commercial, etc.) District and "G-1" (Designed Shopping Centre) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale

NOT TO SCALE

Date

August, 1998

Reference File No.

ZAR-98-33

Drawn By

J.Sims

2.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 14
ZAC-98-38
Eleanor Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for a change in zoning for lands located at the rear of 1465 Upper Sherman Avenue

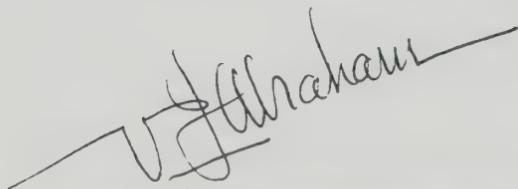
RECOMMENDATION:

- (a) That approval be given to Zoning Application ZAC-98-38, Aurello Marrone and Laurie Marrone, owners, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, for lands located east of Upper Sherman Avenue, west of Eaglewood Drive, north of Dalia Avenue and located at the rear of 1465 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (ii) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-38C and E-38D for presentation to City Council; and,
 - (iii) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District for lands located at the rear of 1465 Upper Sherman Avenue, as shown on the attached map marked as APPENDIX "A".

The effect of the By-law is to permit the use of the subject lands for two (2) single family building lots in conjunction with the abutting lands in accordance with Severance Applications B-98:55 and B-98:56.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:

Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject lands for two single family residential lots in conjunction with the abutting lands in accordance with Severance Applications B-98:55 and B-98:56. The lands are to be developed with the abutting lands located within "Eagleview Estates, Phase 1" Registered Plan of Subdivision (62M-829) (see APPENDIX "B").

Severance Applications B-98:55 and B-98:56

Severance Applications B-98:55 and B-98:56 were approved in August, 1998. The applications were to retain a parcel of land with an area of 867.2 m² and a frontage of 21.34 m along Upper Sherman Avenue, and to convey two parcels of land to be merged in the same name and title as the abutting lands (Block 21, Registered Plan 62M-829). The application was approved conditional upon, amongst other conditions, the applicant applying for and receiving final approval for a change in zoning for the lands to be conveyed from the existing "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

Zoning Application 95-13 and Subdivision Application 95-03 (Regional File 25T-95014(R))

In June, 1996, City Council approved Zoning Application 95-13 and Subdivision Application 95-03 for lands located east of Upper Sherman Avenue, west of Eleanor Avenue and abutting Dalia Street (formerly Dulgaren Street). The changes in zoning were to permit the development of the subject lands in accordance with the proposed "Eaglewood Estates" plan of subdivision for 7 lots for small lot single family dwellings ("R-4" District) and 18 lots for single family dwellings ("C" District).

A condition of draft plan approval was that Block 21 must be developed in conjunction with the abutting lands. In this regard, Harp Homes has negotiated an offer of purchase for the lands being rezoned from "AA" District to "C" District to allow for the creation of two (2) building lots fronting onto Eaglewood Drive.

APPLICANT:

Aurelo Marrone and Laurie Marrone, owners.

AGENT:

J. Trivieri, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape:

- 21.74 m of lot depth;
- 21.40 m of lot width; and
- a lot area 465 m².

LAND USE AND ZONING:

	Existing Land Use	Existing Zoning
<u>Subject Lands</u>	Vacant lands	"AA" (Agricultural) District
<u>Surrounding Land Use</u>		
to the north	Vacant (planned single detached dwellings)	"AA" (Agricultural) District
to the south	Single Family Dwellings	"C" (Urban Protected Residential, etc.) District and "R-4" (Small Lot Single Family) District

to the west	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "RESIDENTIAL" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double " Residential in the approved Eleanor Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and find it satisfactory."
- The Hamilton Region Conservation Authority have advised that they have no objection to the proposed change in zoning.
- The Building Department and the Regional Environment Department have verbally advised that they have no objection to the proposed change in zoning.

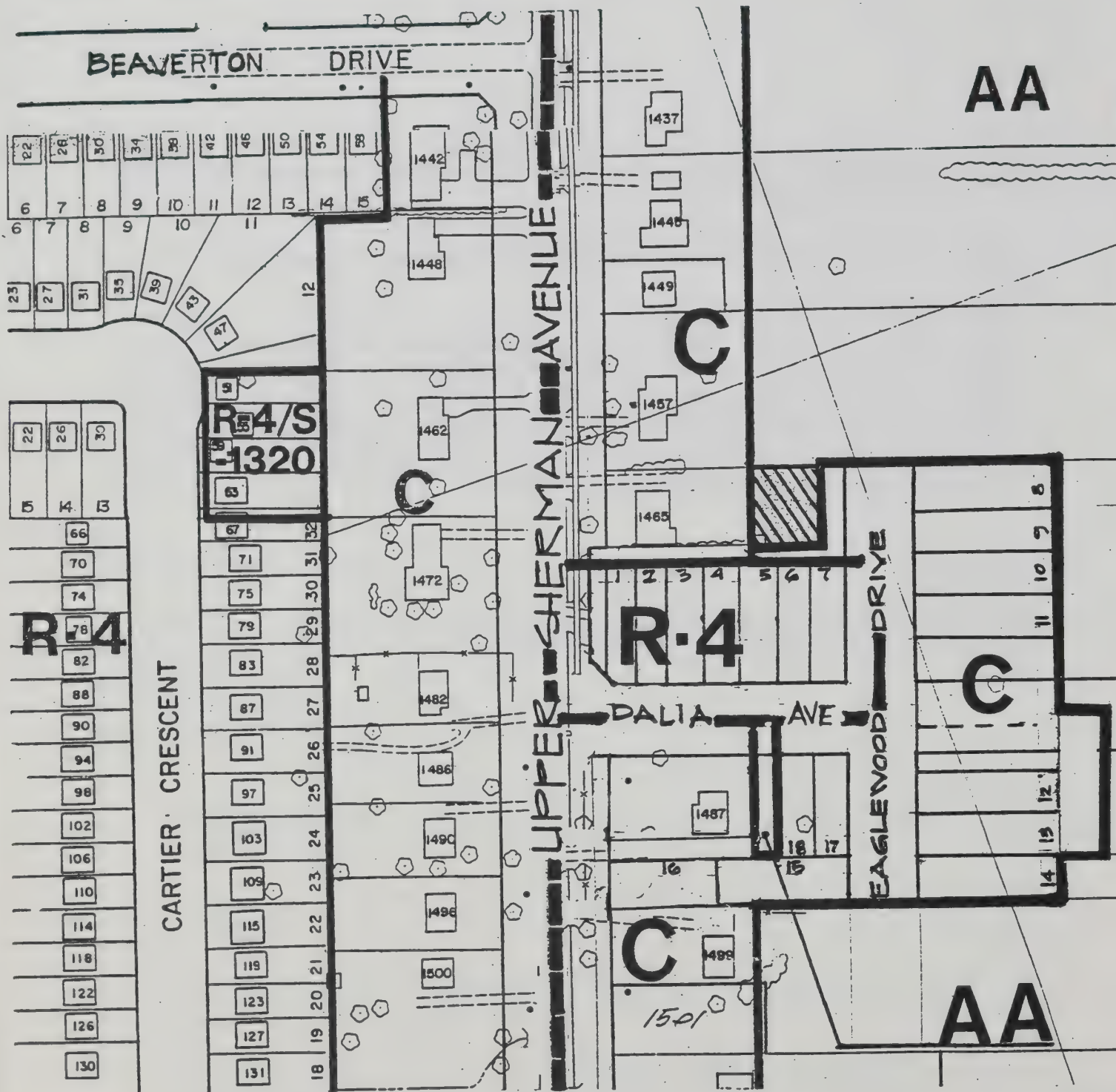
COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Eleanor Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:
 - i) it implements the intent of the Official Plan and the Eleanor Neighbourhood Plan;

- ii) it is consistent with planned development in accordance with the "Eagleview Estates" subdivision; and,
 - iii) it would be compatible with the abutting and planned residential uses.
3. The proposed change in zoning implements the conditions of Severance Applications B-98:55 and B-98:56 and draft plan approval for "Eagleview Estates". The conditions of the severance application required that the applicant apply for and receive final approval for a change in zoning for the lands to be conveyed from the existing "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District. As part of the conditions of draft plan approval, Block 21 is to be developed in conjunction with the abutting lands to the east.

CONCLUSION:

Based on the foregoing, the application can be supported.



Legend

Change in Zoning:



From "AA" (Agricultural) District to
"C" (Urban Protected Residential, etc.) District

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
September, 1998

Reference File No.
ZAC-98-38

Drawn By
B. B.



REGIONAL ROAD NO. 164
(CORRELATION BE-16-008)

LOT 8 CONCESSION 8

PLAN 16921-0009

PART 3
PLAN 62M-1359
PIN 16921-0103

PLAN OF
Eagleview Estates
Phase 1
BEING A SUBDIVISION OF
PART OF LOT 8-CONCESSION 8
GEOGRAPHIC TOWNSHIP OF BARTON
CITY OF HAMILTON
REGIONAL MUNICIPALITY OF HAMILTON-NORTH

Dalia Ave.

PART 1
P.L. 16921-0006
P.L. 16921-0007

EAGLEWOOD DRIVE

OWNER'S CERTIFICATE

Geographic Township of Barton
PART 3 PLAN 62M-1359

SURVEYOR'S CERTIFICATE

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND SURVEY ACT AND THE REGULATIONS MADE THEREUNDER.
2. THE SURVEY WAS COMPLETED ON THE 28th DAY OF AUGUST, 1994.

METRIC

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

3. J. W. J. J. J.
ON-LAND SURVEYOR

LEGEND

SON BUS 0 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 1 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 2 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 3 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 4 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 5 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 6 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 7 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 8 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 9 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 10 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 11 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 12 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 13 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 14 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 15 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 16 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 17 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 18 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 19 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 20 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 21 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 22 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 23 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 24 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 25 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 26 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 27 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 28 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 29 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 30 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 31 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 32 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 33 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 34 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 35 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 36 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 37 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 38 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 39 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 40 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 41 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 42 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 43 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 44 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 45 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 46 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 47 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 48 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 49 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 50 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 51 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 52 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 53 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 54 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 55 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 56 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 57 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 58 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 59 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 60 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 61 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 62 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 63 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 64 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 65 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 66 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 67 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 68 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 69 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 70 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 71 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 72 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 73 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 74 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 75 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 76 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 77 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 78 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 79 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 80 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 81 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 82 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 83 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 84 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 85 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 86 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 87 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 88 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 89 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 90 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 91 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 92 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 93 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 94 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 95 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 96 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 97 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 98 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 99 DENOTES A BARRIER MONUMENT PLANTED
SON BUS 100 DENOTES A BARRIER MONUMENT PLANTED

A. J. Clarke and Associates Ltd.
ON-LAND SURVEYOR - CONCRETE TOWNSHIP

HARP HOMES INC.

John Magill
ON-LAND SURVEYOR - CONCRETE TOWNSHIP

3.

**CITY OF HAMILTON
- RECOMMENDATION -**

DATE: 1998 October 7
ZAC-98-36
Crerar Neighbourhood

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: V. J. Abraham, M.C.I.P., R.P.P.
Director, Planning and Development Department

SUBJECT: Request for a change in zoning for lands north of Stone Church Road East, west of the future extension of Distin Drive

RECOMMENDATION:

- (a) That approval be given to Zoning Application ZAC-98-36, Silvestri Investments, owner, for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District, to permit the use of the subject lands for single family residential uses, in accordance with the "Falconstone" draft approved plan of subdivision, for lands located north of Stone Church Road East, west of the future extension of Distin Drive, as shown on the attached map marked as APPENDIX "A", on the following basis:
- (i) That the subject lands be rezoned from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District;
 - (ii) That the Director of Planning and Development be authorized to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Map E-18C for presentation to City Council; and,
 - (v) That the proposed change in zoning is in conformity with the Official Plan for the Hamilton Planning.

EXPLANATORY NOTE:

The purpose of the proposed by-law is to provide for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District.

The effect of the By-law is to permit the use of the subject lands for single family residential uses in conjunction with the abutting lands in accordance with the draft approved plan of subdivision "Falconstone".

V. J. Abraham

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

BACKGROUND:Proposal

The application is for a change in zoning from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the use of the subject lands for single family residential uses in conjunction with the abutting lands in accordance with the draft approved plan of subdivision "Falconstone".

Zoning Application 89-89 and Subdivision Application 25T-89029

In November, 1990, City Council approved Zoning Application 89-89 and Subdivision Application 25T-89029 for lands located north of Stone Church Road East and west of Upper Wentworth Street. The change in zoning was from "AA" (Agricultural) District to "C" (Urban Protected Residential, etc.) District to permit the development of the subject lands for 40 lots for single detached dwellings.

During the processing of the zoning application, an application for severance (File No. H-148-89) was approved to convey a 10.06 m deep parcel of land from the rear of 367 Stone Church Road East to be merged with the lands located in the "Falconstone" subdivision. The lands were subsequently conveyed, but the survey plan submitted by the applicant for the preparation of the implementing zoning by-law was not amended to include the additional lands. As such, Zoning By-law 90-347 was subsequently passed by City Council in November, 1990, but did not include the 10.06 m wide block of land.

The "Falconstone" subdivision was subsequently acquired by Silvestri Investments who are developing the subject lands in conjunction with the "Timothy Survey" and "Crerar Place" plans of subdivision. The applicant has requested the change in zoning for the rear of proposed Lots 20 and 21, to avoid the creation of lots located in two zoning districts (see APPENDIX "B").

APPLICANT:

Silvestri Investments Ltd., owner.

AGENT:

A. Fletcher, A.J., Clarke and Associates Ltd.

LOT SIZE AND AREA:

The subject lands to be rezoned are rectangular in shape:

- 10.06 m of lot depth;
- 30.48 m of lot width; and
- 306.6 m² of lot area.

LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant lands	"AA" (Agricultural) District
<u>Surrounding Land Use</u>		
to the north	Vacant (planned single detached dwellings)	"C" (Urban Protected Residential, etc.) District
to the south	Single Detached Dwellings	"C" (Urban Protected Residential, etc.) District
to the west	Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District
to the east	Single Detached Dwellings	"AA" (Agricultural) District and "C" (Urban Protected Residential, etc.) District

OFFICIAL PLAN:

The subject lands are designated "**RESIDENTIAL**" on Schedule "A" of the Official Plan. The proposed change in zoning complies with the Official Plan.

NEIGHBOURHOOD PLAN:

The subject lands are designated "Single and Double" Residential in the approved Crerar Neighbourhood Plan. The proposed change in zoning complies with the approved neighbourhood plan.

COMMENTS RECEIVED:

- The Building Department has advised:

"The lands are to be merged into and developed with the abutting subdivision; no comments necessary at this time."
- The Traffic Division, Department of Public Works and Traffic has advised of the following:

"Please be advised that we have reviewed the above application and find it satisfactory."
- The Regional Environment Department, Development Division, has advised that:

"There are external public watermains and sewers available to service the subject lands. Internal servicing will be dealt with under the required Regional Service Agreement."

COMMENTS:

1. The proposal complies with the general intent of the Official Plan and approved Crerar Neighbourhood Plan.
2. The proposal has merit and can be supported for the following reasons:

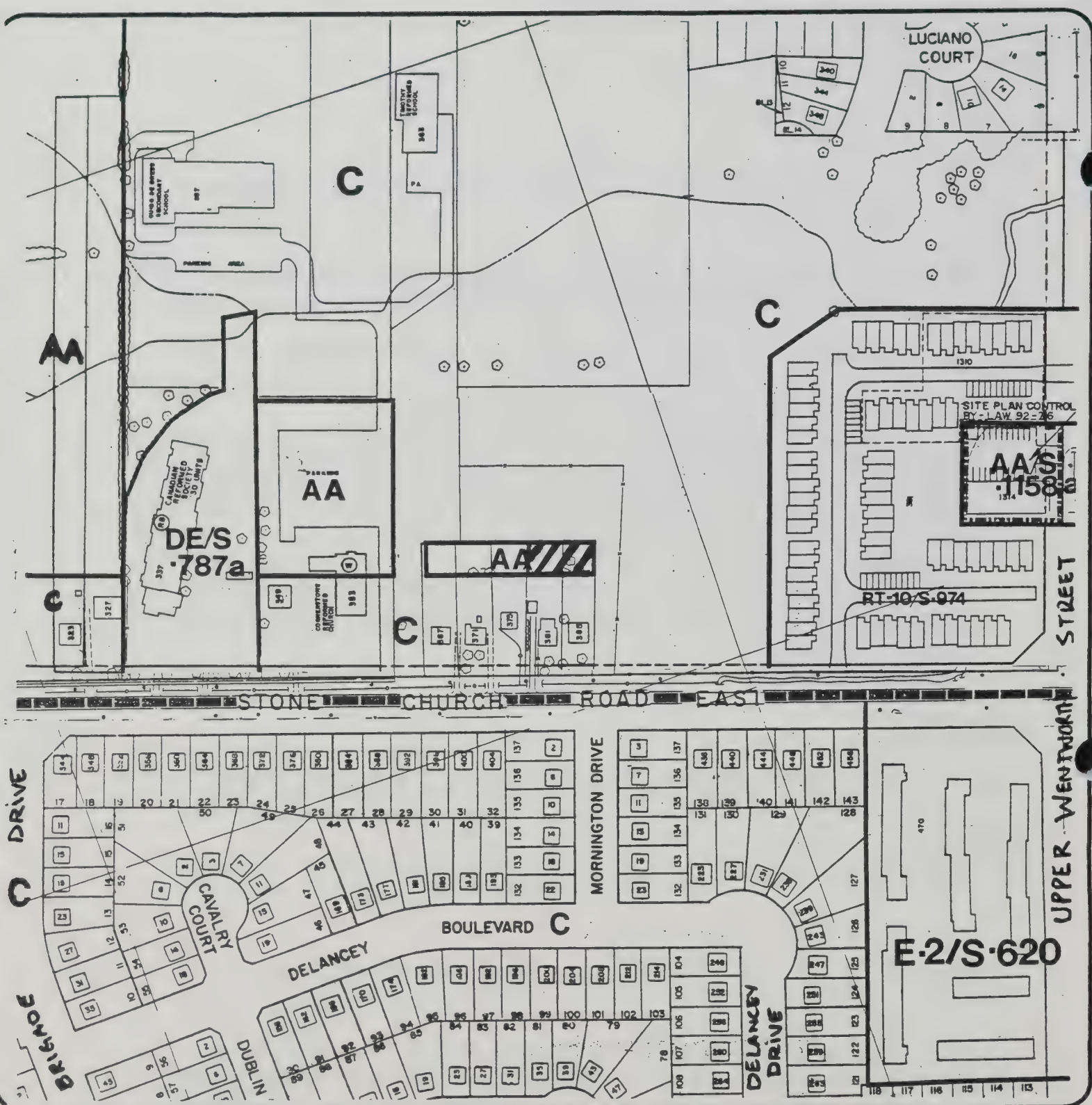
- i) it implements the intent of the Official Plan and the Crerar Neighbourhood Plan;
 - ii) it is consistent with the planned development in accordance with the "Falconstone" draft approved plan of subdivision;
 - iii) it would be compatible with the existing and planned residential uses; and,
 - iv) it provides for uniform zoning for the subject lands.
3. The subject lands were created by consent in 1989. The purpose of the Consent application was to convey lands from the existing property fronting onto Stone Church Road East to the proposed lots fronting onto a new cul-de-sac off of Distin Drive. The applicant has requested the change in zoning for the rear of proposed Lots 20 and 21 (see APPENDIX "B"). As such, the proposed change in zoning will avoid the creation of building lots for single family dwellings that are located in two different zoning categories (ie "AA" District and "C" District), to avoid a dual zoning situation.

CONCLUSION:

Based on the foregoing, the application can be supported.

SR/sr

ZA-98-36.doc



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North

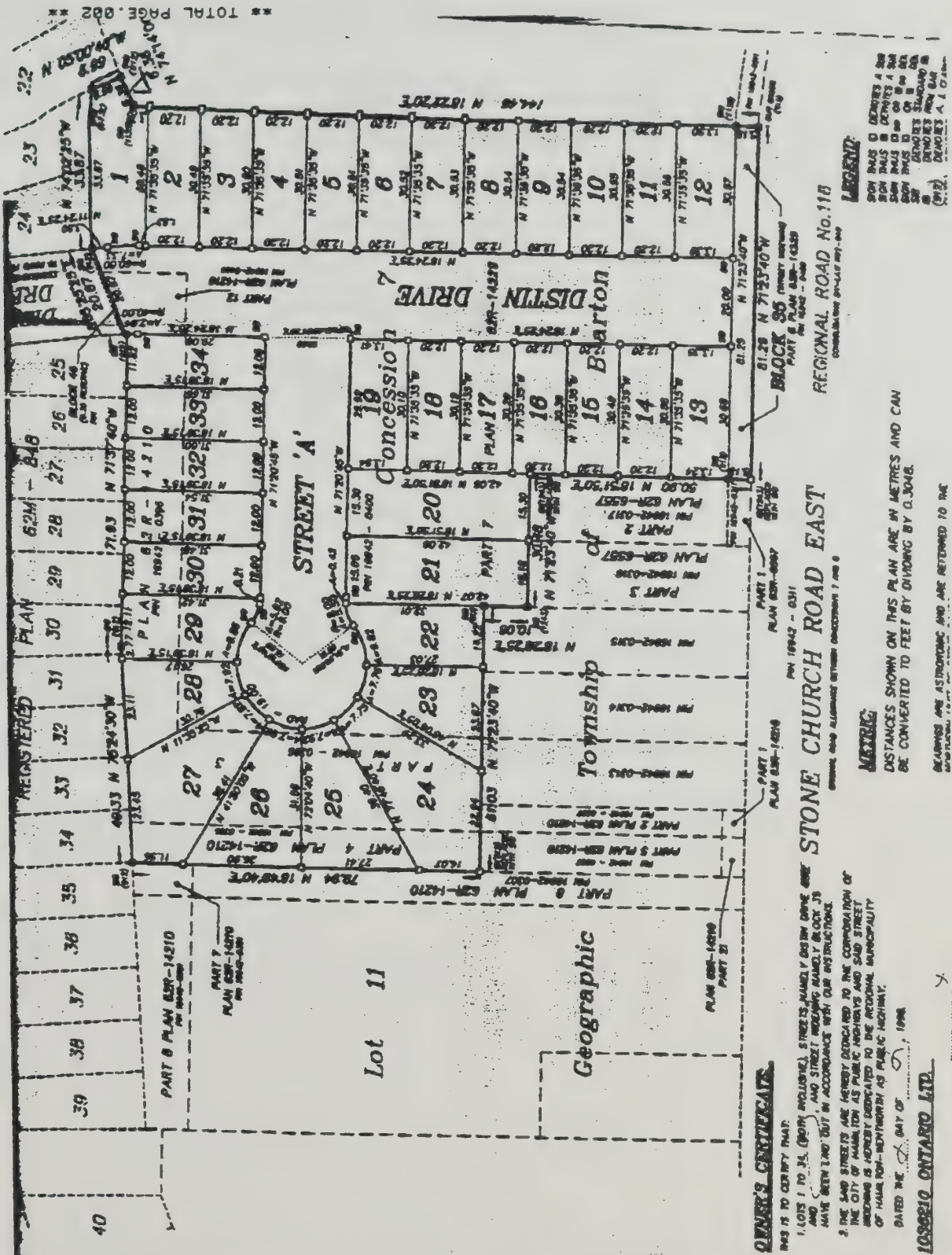


Scale
NOT TO SCALE

Date
SEPT 1998

Reference File number
ZAC-98-36

Drawn By
D.L.



4.

Office of the City Clerk
MEMORANDUM

TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: Susan K. Reeder, Secretary
Finance and Administration Committee

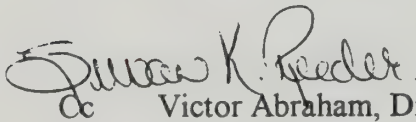
DATE: 1998 October 13

SUBJECT: Referral from City Council – Cosharing of Appeal – Southam Park
Neighbourhood

This will confirm that at the Agenda Review for the Finance and Administration Committee, it was agreed that the above noted matter should be referred to the Planning and Development Committee for consideration.

In this regard, attached herewith is the above referenced correspondence.

As well, would you please ensure that the author of this letter – Ms. Mary Beveridge – is advised when this matter will be considered by your Committee.


cc Victor Abraham, Director of Planning
Len King, Building Commissioner

Office of the City Clerk

MEMORANDUM

TO: Susan K. Reeder
Secretary
Finance and Administration Committee

FROM: J. J. Schatz
City Clerk

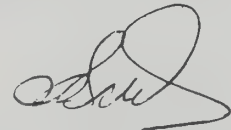
DATE: 1998 October 1

SUBJECT: Referral from City Council – Cosharing of Appeal – Southam Park
Neighbourhood

This will confirm that City Council at its meeting held Tuesday, 1998 September 29th, were presented with correspondence from Mary Beveridge on behalf of the Southam Park Neighbourhood.

Please be advised that City Council agreed to refer this correspondence, as herewith attached, to the Finance and Administration Committee.

Would you please present this matter to the Committee for consideration.



Cc Victor Abraham, Director of Planning
Len King, Building Commissioner

8 Barker Ave.
Hamilton, Ontario
L9C 3E5
September 24, 1998

Mr. J. Schatz
City Clerk
City of Hamilton
71 Main St. W.
Hamilton, Ont.
L8P 4Y5

Dera Mr. Schatz,:

RE: OMB Decision Order 2230

Please find attached a copy of the recent Ontario Municipal Board Decision Order 2230 dealing with the City of Hamilton, Committee of Adjustment decisions concerning 9A & 9B Barker Avenue located in the Southam Park Neighborhood. The result is described on page 5 and states:

“The Board therefore will allow the appeals and dismiss the applications by the owner for the requested severances and variances.”

This appeal was lodged on behalf of many residents in the Southam Park Neighbourhood who were deeply concerned that this proposal represented a major deviation from the existing zoning bylaw, did not conform with the City of Hamilton Official Plan and would create a terrible precedent. These concerns were referenced by the OMB in its final decision.

“Where the owner’s evidence failed, was convincing this Board that the proposal meets the four tests for a minor variance under subsection 45(1) of the Planning Act and in convincing this Board that there has been sufficient regard for the following matters under subsection 51(24) of the Planning Act:

- (i) That this proposal is not premature and is in the public interest (clause 51(24)(b)).
- (ii) That this proposal conforms to the City of Hamilton Official Plan and to Adjacent plans of subdivision (clause 51(24)(c)).
- (iii) That this proposal is suitable for the purposes for which it is to be severed (clause 51(24)(d)).
- (iv) As to the dimensions and shapes of the proposed lots (subsection 51(24)(f)).
- (v) As to the restrictions or proposed restrictions on the land proposed to be severed and on the buildings proposed to be erected on it and restrictions on adjoining lands (clause 51(24)(g)).

Mr. J. Schatz
Page 2
September 24, 1998

The residents of the Southam Park Neighbourhood would respectively ask the City of Hamilton to share in the expense of this appeal. The final decision clearly identifies the issues of conformity to the City of Hamilton Official Plan and other very important land issues which are of shared concern with the City of Hamilton and the residents of the Southam Neighbourhood Community. The following expenses have been incurred with this appeal:

Planner - \$6427.31

Legal - \$5007.38

Total - \$11,734.69

We would propose the following cost-sharing of these expenses:

Southam Park Neighbourhood - \$5867.35

City of Hamilton - \$5867.35

Thank you for your consideration of this planning and land use matter. Should you require further information or clarification, please contact me directly at 383-1649.

Yours Sincerely,



Mary Beveridge

cc: Duke O'Sullivan
Mayor R. Morrow

6.

CITY OF HAMILTON

- RECOMMENDATION -

OCT 13 1998

DATE: 1998 October 07

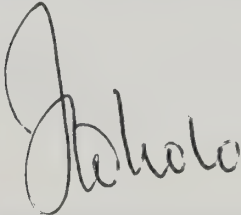
REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: D. Lobo, Commissioner
Department of Public Works and Traffic

SUBJECT: **Ferguson Avenue Between King Street East and
King William Street – Awarding of Contract.**

RECOMMENDATION:

That a purchase order be issued to Modern Ornamental Iron Works (Hamilton) Limited, in the amount of \$85,600 including all taxes, for the fabrication and installation of steel components for Ferguson Avenue between King Street East and King William Street, being the only tender received in accordance with Purchasing procedures, and that this expenditure be financed from the Downtown Phase of the Ferguson Avenue Master Plan Account Number CF 5698 409755037.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The expenditure of \$85,600 including all taxes for the supply and installation of the steel components for Ferguson Avenue between King Street East and King William Street will be funded from the Downtown Phase of the Ferguson Avenue Master Plan Account Number CF 5698 409755037. The balance remaining after this expenditure is \$210,000. Approximately \$60,000 of the remaining balance will be utilized for the supply and installation of a fountain and towards the implementation of streetscape improvements between Main Street East and King Street East, both will be dealt with under separate cover.

Twelve tender packages were prepared and notices faxed according to purchasing procedures earlier in the year for the fabrication of 2 steel gateway structures, 1 steel stage overhead framing system, 31 linear metres of steel screening, 17.7 linear metres of steel railing, 2 gateway light bollards and 9.3 linear metres of gateway bench seating. The quote requested that the fabrication and installation of the steel components occur prior to October 1998. Out of the 12 bidders contacted, 2 bids were received. One bidder did not submit a price, the other bid, from Modern Ornamental Iron Works (Hamilton) Limited, came in at a price of \$127,000. Since this cost was over budget, staff concurred that money could be saved if the project was re-tendered with an installation date of the Spring 1999. This would allow the successful bidder to fabricate the components over the winter months – the contractors down-time.

Twelve tender packages were prepared and notices faxed for a second time as per the original bidders list. Two packages were picked up, one bid was received from Modern Ornamental Iron Works (Hamilton) Limited with a bid price of \$93,357.50 including all taxes. Since the cost again was higher than anticipated, staff from the Public Works and Traffic, Purchasing and Law Departments agreed that the negotiation method should be utilized. The result of the negotiations with Modern Ornamental Iron Works (Hamilton) Limited was that the fabrication and installation of the steel components for Ferguson Avenue will cost \$85,600 including all taxes.

BACKGROUND:

City Council at its meeting held 1996 October 26 approved the Ferguson Avenue Master Plan in its entirety. The Plan identifies the creation of a continuous link between the escarpment and the bay with a pedestrian and cyclist emphasis. The Master Plan evolved from a community based approach to planning and urban renewal with intensive public input through monthly meetings with stakeholders and four public workshops/meetings for the purpose of gathering revitalization priorities for incorporation into the Master Plan. The Plan identifies improvements to the road allowance, urban design guidelines and land use within the study area. Phase One of the Plan between Barton and Cannon Streets was implemented in 1996 and incorporates a traffic calming system.

Funding for the Downtown Phase of the Ferguson Avenue Master Plan was approved by City Council at its meeting held 1997 March 25 in the amount of \$780,000 as part of the 1997-2006 Capital Budget. The Downtown Phase includes the section of Ferguson Avenue between King William Street and Main Street East. The amount of \$780,000 identified in the Capital Budget submission for the Downtown Phase of the Ferguson Avenue Master Plan was based on an estimate provided by the Consultant hired to create the Master Plan and was included in the Plan itself. Actual costs have come in higher than originally estimated.

The Ferguson Avenue Master Plan identifies the section between King William Street and King Street East to be developed with a strong heritage theme emphasizing the railway of the past, and drawing on its potential to establish a framework for a program of activities that can occur within the streetscape. To meet this objective and to distinguish this portion of the redevelopment from other portions, a specialty plaza area has been created with gateways, staging, fencing, a water feature and lighting all reflecting the railway theme.

 DL:HM:hm
P&Dferg.Modern

c.c. Doug Lobo, Commissioner of Public Works & Traffic
Attn: Erik Hess
Alan Ross, City Treasurer
Attn: Grant Keith

7.

CONSENT AGENDA

PLANNING AND DEVELOPMENT COMMITTEE

Wednesday, 1998 October 21

9:30 o'clock a.m.

Room 233, City Hall

A. ADOPTION OF THE MINUTES

(i) Minutes of the Special meeting held 1998 September 29

(ii) Minutes of the regular meeting held 1998 October 7

B. LAW DEPARTMENT

Fourth Real Properties Limited, Lessee, Lloyd D. Jackson Square
Application by Lessee for approval to leasehold mortgage

C. BUILDING COMMISSIONER

Demolitions:

- (i) 52 Fraser Avenue
- (ii) 56 Peter Street
- (iii) 58 Peter Street
- (iv) 62 Peter Street
- (v) 66 Peter Street
- (vi) 68 Peter Street

D. DIRECTOR OF PLANNING AND DEVELOPMENT

“Central Estates”, Hamilton (Cash Payment in Lieu of 5% Parkland Dedication)

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

Information Item

Wednesday, 1998 September 29
Room 233, City Hall
6:00 o'clock p.m.

A(i)

The Planning and Development Committee met in Special Session.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Mayor R. Morrow
Alderman R. Corsini
Alderman D. Haining
Alderman F. Eisenberger
Alderman B. Charters
Alderman B. Kelly

Regrets: Alderman M. Caplan, Religious Observance

Also present: Alderman D. Wilson
Alderman C. Collins
Alderman M. Kiss
Alderman T. Anderson
Alderman A. Horwath
Alderman B. Morelli
Alderman T. Jackson
Alderman D. O'Sullivan
Doug Lychak, City Manager
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Mark Mascarenhas, Housing and Loans Division
Nick Catalano, Economic Development Department
Dave Powers, Law Office
Joe Schatz, City Clerk
Mike Watson, Real Estate Division
Nik Adhya, Treasury
Len King, Building Commissioner
Terry Whitehead, Mayor's Executive Assistant
Tina Agnello, Secretary

1. GENERAL MANAGER, HOUSING AND LOANS DIVISION

Downtown Convert/Renovate-to-Residential Loan Program
Core Heritage 2000 Program
Commercial Property Improvement Loan Program
105-115 King Street East
117 King Street East
80 King William Street
80A King William Street
77 King William Street

Alderman Anderson advised that this is the former Spectator building. There will be approximately 40 units. They will be refurbishing the facades. This will be a project which will initiate future development in the downtown core.

Mr. Catalano added that there would also be 40,000 square feet of ground commercial floor space. Mr. Catalano introduced Mr. Anthony, financing agent; Bob List, Planner,

Laura Phillips and Chris Baine who were present on behalf of the proponent. There is an offer to purchase in place which is contingent on approval of this loan. He stated that the development of this project supports the downtown initiatives and the Strong Medicine Report.

Bob List introduced himself and stated that the proposal is an opportunity for the development of a property with a long and great history. He illustrated through diagrams the maintenance of the existing façade. He explained that there would be some degree of underground parking and some above-ground. There will be an incorporation of an urban park in the development. He also stated that an atrium and a walkway are included. In terms of approvals, a minor amendment to the C.I.P. is required and site plan approval. Mr. List advised that the proponents are ready to draft detailed plans and apply for a building permit. He concluded by stating that they are looking forward to working with the City.

Mr. Anthony gave a brief introduction of himself. He stated that he has worked with this group on various occasions in terms of financing. He explained that the financing is through a group of people which form a syndicate.

In response to a question from Alderman Copps, Mr. Anthony advised that there will be a total of \$4,000,000 invested in the property, \$1,000,000 to purchase and \$3,000,000 to renovate.

Mr. Mascarenhas advised that the report addresses the previous concerns of members of Council. A syndicate makes a proposal like this possible. The developers have agreed that upon the sale of condo units, the money is returned immediately, therefore most of the investment will be back within one year and a half, which is before the 10 year allowable limit. There is a concern however that the local B.I.A.'s will not be able to develop small-scale conversions. He has been requested to come back with a report to redirect funds as requested at a previous Planning and Development Committee meeting.

Mr. Anthony advised that there is always a 25% minimum investment of money in the project. He reiterated that the City will get its money back in 18 months.

Alderman Corsini was pleased that the money will receive a quick turnaround, therefore there will be enough money to reinvest into other projects.

In response to a question from Alderman Corsini, Mr. Mascarenhas stated that there was a remote likelihood of this affecting the B.I.A.'s getting funding.

The Mayor was pleased with the report and the recommendation. He stated that a proposal like this is key to the success in increasing the inner City's population. He is delighted with the work that staff has done.

Alderman Kelly stated that Council agrees on the redevelopment of the downtown core. He is impressed with the return to the City on its money. He believes that if this is successful it will breed other successes.

Alderman Charters stated that this project is where the private sector uses public funds and returns it quickly. He is thankful for the amount of work done on the project and congratulated Alderman Anderson and Nick Catalano.

In response to a question from Alderman Horwath, Mark Mascarenhas advised that the Community Improvement Plan process takes approximately four months. There is a public meeting, an application to the Ministry of Municipal Affairs and Housing and an appeal period. If there is an appeal, it would be forwarded to the Ontario Municipal Board.

Bob List stated that the proponent has been advised of the CIP issues and other normal planning matters therefore there are a number of potential delays. He stated that at this

time the proponent is ready to get moving on the project. If an appeal is lodged, the applicant may request that the time period to receive a building permit be extended.

In response to a question from Alderman Horwath, Nina Chapple stated that there are presently 20 people interested in applying under the Core Heritage Program. \$5,000 or \$6,000 is required to be allocated for this program..

A brief discussion ensued with regard to the Dundurn Street loft condos.

As recommended in a report dated 1998 September 25 from the General Manager, Housing and Loans Division, the Committee approved the following:

- (a) That loans and grants to Gamesmanship Equipment Inc., for building rehabilitation and conversion to 50 residential units at 105-115 King Street East, 117 King Street East, 80 King William Street, 80A King William Street and 77 King William Street be authorized upon the City's Loan Programs' provisions, subject to the conditions set out and referred to in this recommendation, including the following details:
 - (i) A maximum loan of \$800,000 under the Convert/Renovate-to-Residential Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any) at the same rate as arrears of realty taxes to be secured by second mortgage on the properties prepared and certified to the City by the applicant's lawyer in a form satisfactory to the City Solicitor and the General Manager of the Housing and Loans Division; and,
 - (ii) A maximum loan of \$150,000 under the Commercial Property Improvement Loan Program at an interest rate of 0% for a term of 10 years, together with interest on arrears (if any) at the same rate as arrears of realty taxes to be secured by a third mortgage on the properties prepared and certified to the City by the applicant's lawyer in a form satisfactory to the City Solicitor and the General Manager of the Housing and Loans Division; and,
 - (iii) A maximum grant of \$61,000 under the Core Heritage 2000 Program; and,
- (b) That the loans and grants amounting to \$1,011,000 be subject to the following conditions:
 - (i) That the applicant be required to fulfil all the borrowing requirements of the City of Hamilton with respect to the Commercial Property Improvement Loan Program, Core Heritage 2000 Program and the Convert/Renovate-to-Residential Loan Program, including, evidence satisfactory to the City of the owner's equity of not less than 25% of the appraised value after deducting from such appraised value, the owner's first, second, and third mortgages and other encumbrances, such as liens or realty tax arrears; the balance of the loans shall be re-payable to the City in the event the applicant ceases to own the property, (except to the extent the property is registered as a residential condominium.); and,
 - (ii) That upon the applicant meeting all loan conditions, advances of the City's loans to the applicant and its contractor be authorized provided the applicant has, prior to the advance of the City loans, fully applied its equity and first mortgage loan funds; and provided further that:
 - (1) All advances are subject to compliance with The Construction Lien Act and other usual requirements of lenders; and,
 - (2) At the time of each loan advance,
 - there remains at least 25% owner's equity (as described above) in the properties; and,

- the applicant's architect (or consulting engineer) certifies to the City that the value of the work to be done under the construction contract(s) is sufficient to substantially complete construction for building rehabilitation and conversion to 50 units and the value of the said remaining work is less than the amount of the City's loans; and,
 - the said applicant is the registered owner of the property.
- (iii) That the City's Heritage grant referred to above be paid to the applicant following the advance of the City's loans provided the loan repayments and realty taxes are in good standing and the applicant is the registered owner of the property; and,
- (iv) That upon sale of each unit in the proposed residential Condominium by the applicant, a partial discharge of the City's second and third mortgages shall be available upon payment of each loan's principal with interest attributable to such unit, provided repayments of both loans and realty taxes are in good standing; and,
- (v) That Schedule A of By-law 97-149 is amended by Council in accordance with the Planning Act to replace the maximum eight (8) units per deed property with a maximum of \$500,000 per deeded property; and,
- (vi) That the approval of the Ministry of Municipal Affairs and Housing of an amended Downtown Community Improvement Plan permitting the said amendment, including such loans and grant is received; and,
- (vii) That the applicants has applied for a building permit within three months of 1998 September 29, and received such permit within six months of such application; and,
- (viii) Such other terms and conditions that Council may, in its discretion, require; and,
- (c) That staff take the necessary steps under the Planning Act for the City's application for amendments to the Downtown Community Improvement Plan and the By-law adopting such Plan, including the public meeting and notification obligations for the proposed amendment; and,
- (d) That the applicable amending By-law be prepared in a form satisfactory to the City Solicitor.

*** Alderman Copps opposed.**

2. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Proposed Draft of Condominium – Condominium Conversion, 293 Mohawk Road East 9CDM-CONV-98-007

Bill Janssen advised that the vacancy rate in the City is in excess of 2%. The Hamilton mountain sub-market is 1.66%. There is a low vacancy rate on the mountain and a high demand for rental units.

Based on that information, Mr. Janssen stated that the application is premature. It conflicts with the City of Hamilton Condominium Conversion Policy and that the Planning Department therefore recommends denial.

Alderman Copps was concerned with regard to the renters' wishes. Mr. Janssen advised that these are no longer being processed under the Rental Housing

Protection Act because that is no longer in effect, therefore they are processed as plans of condominium and the requirement to confer with the renters is no longer valid.

Alderman Kelly does not want the rental housing stock on the mountain depleted. He supports those who want to rent as a lifestyle decision.

Alderman Corsini stated that he supports Megna's conversion because they bring buildings up to standard.

A discussion ensued with regard to tenant input.

Alderman Horwath stated that the City now has a new policy and it must be followed. She impressed upon the Committee that developers do not want to build apartments because they are not as profitable as condo conversions. She concluded by stating that tenants must be protected.

Mr. Megna stated that they have done many projects. They do not send their tenants out, they accommodate them for long periods of time; in some cases with leases for 10 years. He stated that on June 17, 1998, the Rental Housing Act was appealed. He made applications June 29-30, 1998. On July 22, 1998 OPA 151 was forwarded to the Region and was approved on August 12, 1998. On September 3 there was an appeal to the OPA. He requested of the Committee that they approve the three applications in the same manner as the other four which were applied for at the same time and were approved. He stated that this would close the door on this issue.

The recommendation of the Director of Planning and Development dated 1998 September 10 was placed on the floor and was defeated on a tie vote.

The Committee requested that, as per practice of the City, the resolutions be forwarded to Council in the negative as follows:

That application CDM-CONV-98-007 (Regional File 25CDM-98009) submitted by Barton Ellis Holdings Limited (In Trust), owner, for a draft plan of condominium for property located at No. 293 Mohawk Road East, as shown on the attached Plan marked as Appendix "A", to provide for a condominium comprised of 24 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

(b) Proposed Draft Plan of Condominium – Condominium Conversion, 37-57 Mericourt Road (CDM-CONV-98-008)

That application CDM-CONV-98-009 (Regional File 25CDM-98012) submitted by Gaspar & Silva Ltd., owner, for a draft plan of condominium for property located at No. 37-57 Mericourt Road, as shown on the attached Plan marked as Appendix "B", to provide for a condominium comprised of 66 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

(c) **Proposed Draft Plan of Condominium – Condominium Conversion, 893 Concession Street (CDM-CONV-98-007)**

That application CDM-CONV-98-010 (Regional File 25CDM-98013) submitted by Lapa Investments Ltd., owner, for a draft plan of condominium for property located at No. 893 Concession Street, as shown on the attached Plan marked as Appendix "C", to provide for a condominium comprised of 22 individual apartment condominium units not be approved.

NOTE: This issue lost on a tie vote at the Planning and Development Committee. At the direction of the Committee and in accordance with City Procedural By-law No. 95-167 Section 36(b), it is presented as a negative recommendation.

3. PRIVATE AND CONFIDENTIAL AGENDA

The Committee adjourned in camera to discuss property and litigation matters and reconvened immediately thereafter with the following report:

- (a) That Council accept the 1998 September 18 offer to settle as modified 1998 September 29 concerning two appeals against Official Plan Amendment No. 151 regarding Rental Housing.

*** Alderman Copps opposed.**

THE COMMITTEE THEN RECESSED WITH DIRECTIONS TO RECONVENE AT THE CONCLUSION OF THE CITY COUNCIL MEETING LATER THAT EVENING.

The Committee reconvened and adjourned to closed session to discuss Property matters and reconvened immediately thereafter with the following report:

- (b) That no action be taken to require the property at 66-68 King Street East.

4. ADJOURNMENT

The Committee meeting adjourned.

Taken as read and approved.

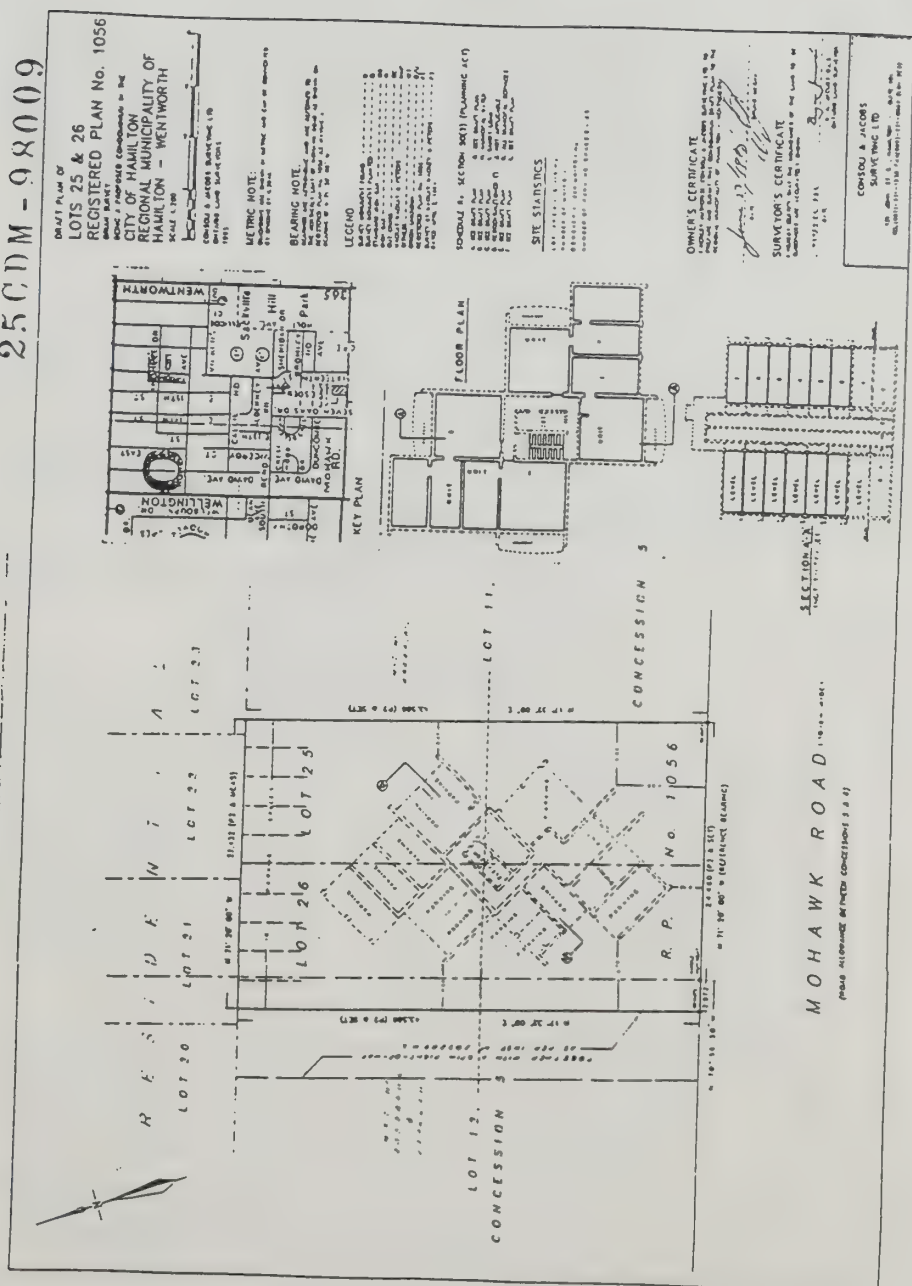
Alderman F. D'Amico
Chairperson
Planning and Development Committee

Tina Agnello
Secretary

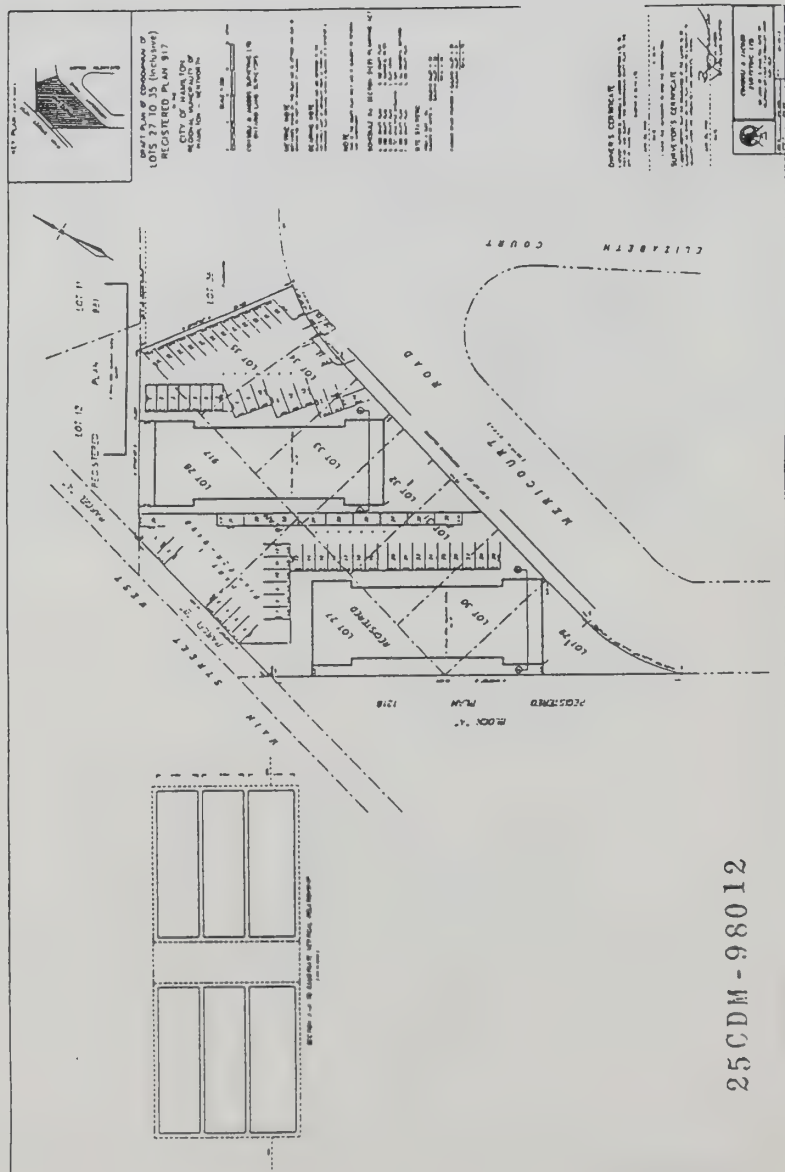
/jt

Appendix "A" as referred to in
Section 2(a) of the Planning and
Development Committee Minutes
dated 1998 September 29

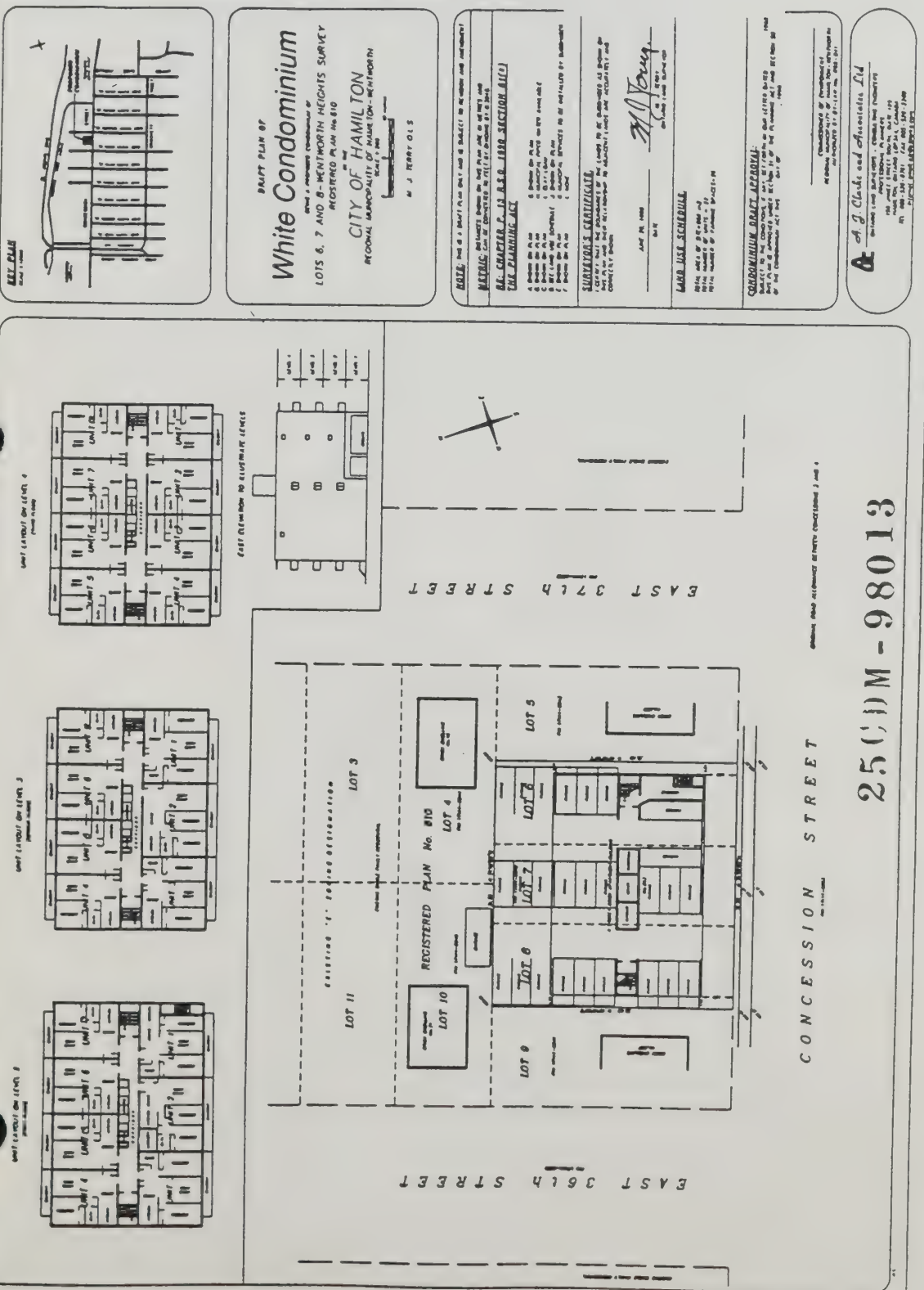
25C1M-98009



Appendix "B" as referred to in
Section 2(b) of the Planning and
Development Committee Minutes
dated 1998 September 29



Appendix "C" as referred to in
Section 2(c) of the Planning and
Development Committee Minutes
dated 1998 September 29



AGii)

Wednesday, 1998 October 7
Room 233, City Hall
9:30 o'clock a.m.

The Planning and Development Committee met.

There were present: Alderman F. D'Amico, Chairperson
Alderman G. Copps, Vice-Chairperson
Alderman M. Caplan
Alderman B. Kelly
Alderman D. Haining
Alderman R. Corsini
Alderman B. Charters

Regrets: Mayor R. Morrow

Also present: Alderman D. Wilson
Alderman B. Morelli
Alderman M. Kiss
Victor Abraham, Director of Planning and Development
Paul Mallard, Planning and Development Department
Bill Janssen, Planning and Development Department
Nina Chapple, Planning and Development Department
Mary Lou Tanner, Planning and Development Department
Keith Extance, Planning and Development Department
Eugene Chajka, Regional Environment Department
Hazel Milsome, Public Works and Traffic Department
Ed Switenky, Public Works and Traffic Department
Hart Solomon, Public Works and Traffic Department
Art Zuidema, Law Office
Joe Schatz, City Clerk
Mike Watson, City Clerk's Office, Real Estate Division
Vince DiPietro, City Clerk's Office, Real Estate Division
Peter Lampman, Building Department
Mark Mascarenhas, General Manager, Housing and Loans
Tina Agnello, Secretary

PUBLIC MEETINGS - 9:30 O'CLOCK A.M.

Prior to each Public Meeting, Alderman D'Amico advised those present that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral Statement or written statement at a Public Hearing.

1. **Request for an Official Plan Amendment and Amended Zoning Application 98-23, by FDJ Holdings Inc., Owner, for a Change in Zoning for Lands South of Barton Street East, West of Centennial Parkway North and North of Eastgate Court, Located at the Rear of 2420-2434 Barton Street East.**

A submission was received by Truwan Holdings Ltd., 163 Centennial Parkway North, Suite 401, Hamilton, L8E 1H8.

Paul Mallard advised that the initial application was for townhomes. The neighbourhood was not in agreement with these townhomes. The applicant has come back with a three-year temporary parking lot. The Department recommends approval with conditions.

Of 128 notices sent out, 5 replied in favour and 5 opposed.

Dominic Frisina, the proponent, was present.

In response to the letter from Truwan Holdings, Paul Mallard advised that in 1991 the Holding Company rezoned the property which is close by to the property in question but due to the lack of property consolidation, the By-law was passed with the restriction that their parking was to be used in conjunction with an existing property. He stated that if they are interested in lifting these restrictions they must reapply for a zoning.

As recommended in a report dated 1998 September 24 from the Director of Planning and Development, the Committee recommended to Council as follows:

- (a) That approval be given to Official Plan Amendment No. 152 to redesignate Block "3", as shown on the attached map marked as Appendix "A" from "Residential" to "Commercial" and that the City Solicitor be directed to prepare the By-law of Adoption for submission to the Regional Municipality of Hamilton-Wentworth; and,
- (b) That approval be given to Amended Zoning Application ZAC-98-23, FDJ Holdings Inc., owner, for a modification to the established "JJ" (Restricted Light Industrial) District (Block "1") and "Lmr-1" (Planned Development - Multiple Residential) District (Block "2"), and for a change in zoning from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District (Block "3"), to permit the use of Blocks "1" and "2" for temporary parking for a maximum of three (3) years and Block "3" for commercial uses in conjunction with the existing commercial uses, for lands located south of Barton Street East, west of Centennial Parkway North and north of Eastgate Court located at the rear of 2420 - 2434 Barton Street East, as shown on the attached map marked as Appendix "A", on the following basis:
 - (i) That Block "3" be rezoned from "Lmr-1" (Planned Development - Multiple Residential) District to "HH" (Restricted Community Shopping and Commercial, etc.) District; and,
 - (ii) That the "JJ" (Restricted Light Industrial) District regulations as contained in Section 16A. of Zoning By-law No. 6593, applicable to Block "1", be modified to include the following variances, as special requirements:
 - (1) that notwithstanding Section 16A.(1), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period not exceeding three-years from the day of the passing of the By-law shall be permitted; and,
 - (2) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than .2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line and along the westerly lot line; and,
 - (3) no vehicular access shall be permitted to Eastgate Court; and,
 - (iii) That the "L-mr-1" (Planned Development - Multiple Residential) District regulations as contained in Section 17B of Zoning By-law No. 6593, applicable to Block "2", be modified to include the following variances, as special requirements:
 - (1) that notwithstanding Section 17B.(6)(a)(ii), the temporary use of the lands for the parking of motor vehicles in accordance with Section 39 of the Planning Act, for a period

not exceeding three-years from the day of the passing of the By-law shall be permitted; and,

- (2) a planting strip having a minimum width of 3.0 m, with a visual barrier not less than 1.2 m and not more than 2.0 m in height, shall be provided and maintained along the southerly lot line; and,
- (3) no vehicular access shall be permitted to Eastgate Court; and,
- (iv) That the City Solicitor be directed to prepare a By-law to amend Zoning By-law No. 6593 and Zoning District Maps E-103 and E-104 for presentation to City Council; and,
- (v) That the proposed modification in zoning for Blocks "1" and "2" is in conformity with the Official Plan for the Hamilton Planning Area and that the proposed change in zoning for Block "3" will be in conformity with the Official Plan for the Hamilton Planning Area upon approval of Official Plan Amendment No. 152 by the Regional Municipality of Hamilton Wentworth; and,
- (vi) That, upon finalization of the implementing Zoning By-law, the Kentley Neighbourhood Plan be amended to redesignate Block "3" from "Attached Housing" to "Commercial"; and,
- (c) That Site Plan Control By-law No. 79-275, as amended by By-law 87-233, be amended by adding Blocks "1" and "2" to Schedule "A".

*** Alderman Copps opposed.**

2. REFERRAL BACK FROM COUNCIL

- (a) **Correspondence from the Ainslie Wood/Westdale Community Association, dated 1998 September 17.**

Alderman Charters suggested that a report come back regarding the servicing levels throughout the City and how much these servicing levels cost.

The Chairperson reminded the Committee of the McMaster Neighbourhood group which is a Sub-Committee of the Planning and Development Committee which deals with many of these matters.

Alderman Caplan disagreed that a report should be applied throughout the City since there are different standards in different neighbourhoods. He stated that the Ainslie and Westdale communities have special circumstances.

Alderman Kiss explained that responses from staff to complaints are not dealt with in a quick manner. She advised that there needs to be tightening up of enforcement.

Alderman D'Amico supported staff and stated that they have been working diligently since the new school term has begun and they should be commended.

Alderman Kelly stated that he hopes it is not the case that "rarely is a proper investigation conducted ...", as was noted in the correspondence

Alderman Haining requested the number of servicing calls in each area to which Alderman D'Amico stated that if there are problems in a specific area these problems must be dealt with but we should not compare one area to another.

Following discussion, the Committee resolved as follows:

That the correspondence from the Ainslie Wood/Westdale Community Association be referred to staff for a report back.

That in particular the Building Department report back regarding Building Department activity for enforcement of infractions throughout the City.

* Alderman Haining opposed.

- (b) **Items 2, 3 and 4 of the SIXTEENTH Report of the Planning and Development Committee for 1998 Regarding Draft Plans of Condominium for:**

(i) **293 Mohawk Road East**

(ii) **37-57 Mericourt Road**

(iii) **893 Concession Street**

The Chairperson advised that the Committee must determine what process they prefer to get tenant input. He stated that in previous circumstances staff sent out a survey.

Keith Extance stated that cards have been sent out to the Mericourt and Concession properties and also hand-delivered to the Mohawk property. No material has been received back.

Bill Janssen advised that the Planning Department is recommending denial based on the fact that the vacancy rates are lower than that which is acceptable for those areas in question.

Alderman Copps was concerned that these applications are no different than the three which were previously approved. She stated that she will support approval of these applications if staff brings the required information.

Alderman Kelly advised that we must give people a choice in housing.

Alderman D'Amico stated that we are directing staff to give us all the tenant information as per previous applications under the Rental Housing Protection Act. He urged the Ward Aldermen to do their own due diligence with the tenants.

Alderman Caplan suggested that he would like a report back on the relationship between the condo developments and student housing.

Mr. Megna stated that he has compiled more information than that which is required. They have approached all the tenants as they have done under the RHPA. For example, in the Mohawk tenancy has a sheet shows that 18 agree, two are vacant and three were unavailable. He stated that they are anxious to move ahead.

Following brief discussion, the Committee tabled the matter with direction to staff to consult with the tenants of the above-noted properties in the same manner as was previously done with the RHPA and report back to the Committee with the results.

3. DIRECTOR OF PLANNING AND DEVELOPMENT

(a) Selection of Consultants – Downtown Secondary Plan

Mary Lou Tanner stated that the project was tendered in July and closed in August. They are recommending the firm of Urban Strategies, Inc. and PriceWaterhouse Coopers.

As recommended in a report dated 1998 September 28 from the Director of Planning and Development, the Committee recommended to Council as follows:

- (a) That the submission of Urban Strategies, Inc. be selected as the consultants to undertake the Design Study of the Downtown Secondary Plan, at a cost of \$60,000; and,
 - (b) That the submission of PriceWaterhouse Coopers be selected as the consultants to undertake the Economic and Development Financing Studies of the Downtown Secondary Plan, at a cost of \$40,000.
- (b) **Request for Security Reduction – Site Plan DA-98-04, 216 Wilson Street**

Paul Mallard advised that applicants are required to submit securities for 75% of the site plan works. \$21,062 are to be provided in order that works are completed in a timely fashion. A policy is proposed that drawbacks are permitted but not lower than 10%. The applicants are requesting to only place a security of \$10,000.

Mihaela Moisin, 16 Westaway Place, Hamilton, agent on behalf of Mr. & Mrs. Manganiello, was present. She advised that the applicants are having financial problems since the banks are not forthcoming with financing. She stated that the applicants cannot get the building occupancy permit if all the conditions are not met and the site plan is one of the conditions. She explained that most of this is sanitary storm sewers and water.

Alderman Corsini explained that as the developer is cleaning up the area and we should help them out. Approving this request would do no harm to the City.

Alderman Caplan stated that the people in the City of Hamilton will bear the costs if the project is not completed.

In response to a question from Alderman Caplan, Paul Mallard stated that there is a policy that securities can be drawn down as the work progresses, but not below 10%. He also corrected Ms. Moisin in that the work does not include storm sewers and water.

Mr. Manganiello, 93 Country Club Court, Hamilton, was present. He stated that the project must go on. The risk is minimal to the City. He suggested a promissory note. He stated that even though the funds may not be forwarded to the City, they are required to have them for the bank.

Alderman Charters stated that the interest of the City cannot be protected if we abandon the policy on site plans.

A motion was placed on the floor to table the matter and was lost.

Subsequently, the Committee approved the staff recommendation as follows:

That the request for reduction of the required securities related to Site Plan Control Application DA-98-04 by Fiore and Vally Manganiello, owner of lands at 216 Wilson Street and 87-95 Wellington Street North for a four (4) storey, twelve (12) unit multiple dwelling, as shown on the attached map marked as Appendix "B" be denied.

4. **CONSENT AGENDA**

A. **ADOPTION OF MINUTES**

The minutes of the meeting held 1998 September 23 were adopted as distributed.

THE FOLLOWING RECOMMENDATIONS WERE FORWARDED TO COUNCIL
FOR APPROVAL:

B. DIRECTOR OF PLANNING AND DEVELOPMENT

**(i) Central Neighbourhood Plan – Authorization for a Public Meeting,
dated 1998 September 29:**

That staff of the Planning and Development Department be authorized and directed to hold a public meeting to present the Central Neighbourhood Plan Update, 1998.

**(ii) Request for Extension of Removal of Part-Lot Control "Wisemount
Estates, Phase 8" Subdivision, Registered Plan No. 62M-826, dated
1998 September 25:**

- (a) That approval be given to the request by John Parente, Solicitor for 822827 Ontario Inc. (A. DiSilvestro, President), owner, for a 1 year extension to remove part-lot control in order to establish maintenance easements for Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, located in "Wisemount Estates, Phase 8", Registered Plan No. 62M-826, known municipally as 171 - 203 Lockheed Drive, inclusive, and 2 - 19 Mansion Court, inclusive, as shown on Appendix "C"; and,
- (b) That the appropriate By-law, to extend the removal of part-lot control until January 1, 2000, from Lots 2 - 4, inclusive, Lots 7 - 11, inclusive, Lots 13 - 16, inclusive and Lots 27 - 30, inclusive, Registered Plan 62M-826, "Wisemount Estates, Phase 8" plan of subdivision, be enacted by Council.

C. GENERAL MANAGER, HOUSING AND LOANS DIVISION

**(i) Commercial Property Improvement Loan Program, 559 Barton Street
East, dated 1998 September 24:**

- (a) That a secured loan in the amount of twenty-four thousand, eight hundred and seventy-two dollars (\$24,872) to Roger Francoeur for improvements to 559 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, four hundred and thirty-six dollars (\$12,436) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.

**(ii) Commercial Property Improvement Loan Program, 561 Barton
Street East, dated 1998 September 24:**

- (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Dalbir Seerha for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,

- (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of two thousand, two hundred and thirty-two dollars (\$2,232) to Dalbir Seerha, for improvements to 561 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of one thousand, one hundred and sixteen dollars (\$1,116) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.
- (iii) **Commercial Property Improvement Loan Program, 629 Barton Street East, dated 1998 September 24:**
-
- (a) That a secured loan in the amount of thirteen thousand, eight hundred and thirty two dollars (\$13,832) to Filomena Raso, for improvements to 629 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of six thousand, nine hundred and sixteen dollars (\$6,916) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program.
- (iv) **Commercial Property Improvement Loan Program, 657 Barton Street East, dated 1998 September 24:**
-
- (a) That a secured loan in the amount of twenty-five thousand dollars (\$25,000) to Allan Hendry for improvements to 657 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over ten (10) years; and,
 - (b) That a grant from the Barton Street Revitalization Fund in the amount of twelve thousand, five hundred dollars (\$12,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Program; and,
 - (c) That an unsecured loan from the Barton Street Revitalization Fund in the amount of five thousand dollars (\$5,000) to Allan Hendry, for improvements to 657 Barton Street East be approved subject to the fulfillment of the borrowing requirements of the Commercial Property Improvement Loan Program. The interest rate is set at 3.75 per cent, amortized over a period less than seven (7) years; and,
 - (d) That a grant from the Barton Street Revitalization Fund in the amount of two thousand, five hundred dollars (\$2,500) be utilized to pay-down this loan as per the terms of the Barton Street Revitalization Loan Program.

(v) **Hamilton Emergency Loan Program (H.E.L.P.) 26 Case Street, dated 1998 September 24:**

That a Hamilton Emergency Loan (H.E.L.P.) in the amount of one thousand, two hundred and four dollars (\$1,204) be approved for Roberto and Lilla Distefano, 26 Case Street. The interest rate will be 2 per cent amortized over 5 years.

D. LOCAL ARCHITECTURAL ADVISORY COMMITTEE

Made-in-Hamilton Industrial Trail Project – Letter of Support for Funding Application, dated 1998 September 21:

That the Local Architectural Conservation Advisory Committee provide a letter of support to the Ontario Workers' Arts and Heritage Centre for an application made to the Ontario Ministry of Citizenship, Culture and Recreation's Cultural Strategic Development Fund for a grant of nineteen thousand, six hundred dollars (\$19,600) to assist with the Made-in-Hamilton Industrial Trail Implementation Plan.

E. SECRETARY, PLANNING AND DEVELOPMENT COMMITTEE

The Committee approved the list of previously received information items as follows:

- (a) Secretary, LACAC re: Minutes of the meetings held 1998 July 6 and 28 dated 1998 September 21.
- (b) Director of Planning and Development re: Approved Site Plan Application, dated 1998 September 28.
- (c) Building Commissioner re: Building Department Status Report as at July 31, 1998 dated 1998 September 29.
- (d) Building Commissioner re: Property Standards By-law, dated 1998 September 29.

5. PRIVATE AND CONFIDENTIAL AGENDA

Delegation by Mr. Turnbull

Mr. Turnbull was present to discuss the potential expropriation of his client's land. He stated that this land is part of the Ferguson Avenue corridor. His client is owner of lands to the west of the rail line and has an option to purchase to the east of the rail line and already owns the rail lands. An inquiry hearing has been held and he does not have a copy of the decision. His client objects to the taking of the lands and wants to develop the lands. Before the Committee makes a decision, the client would like to meet to understand the planning component. He does not feel the process has been fair to him. He suggests an alternate route, therefore consider deferring this matter so that a submission can be made to the Planning and Development Committee.

With regard to the report, Art Zuidema explained to the Committee that they are not obligated to provide the property owner with a report.

The Committee adjourned into closed session in order to discuss property matters and reconvened immediately thereafter with the following report:

- (a) Previous Canadian National Railway Right-of-Way Between Main Street East and King Street East – Expropriation to Acquire Land.

Referred to a special meeting of Council.

- (b) Belvidere Property

Referred to a special meeting of Council

* Alderman Copps opposed.

6. OTHER BUSINESS

None.

7. ADJOURNMENT

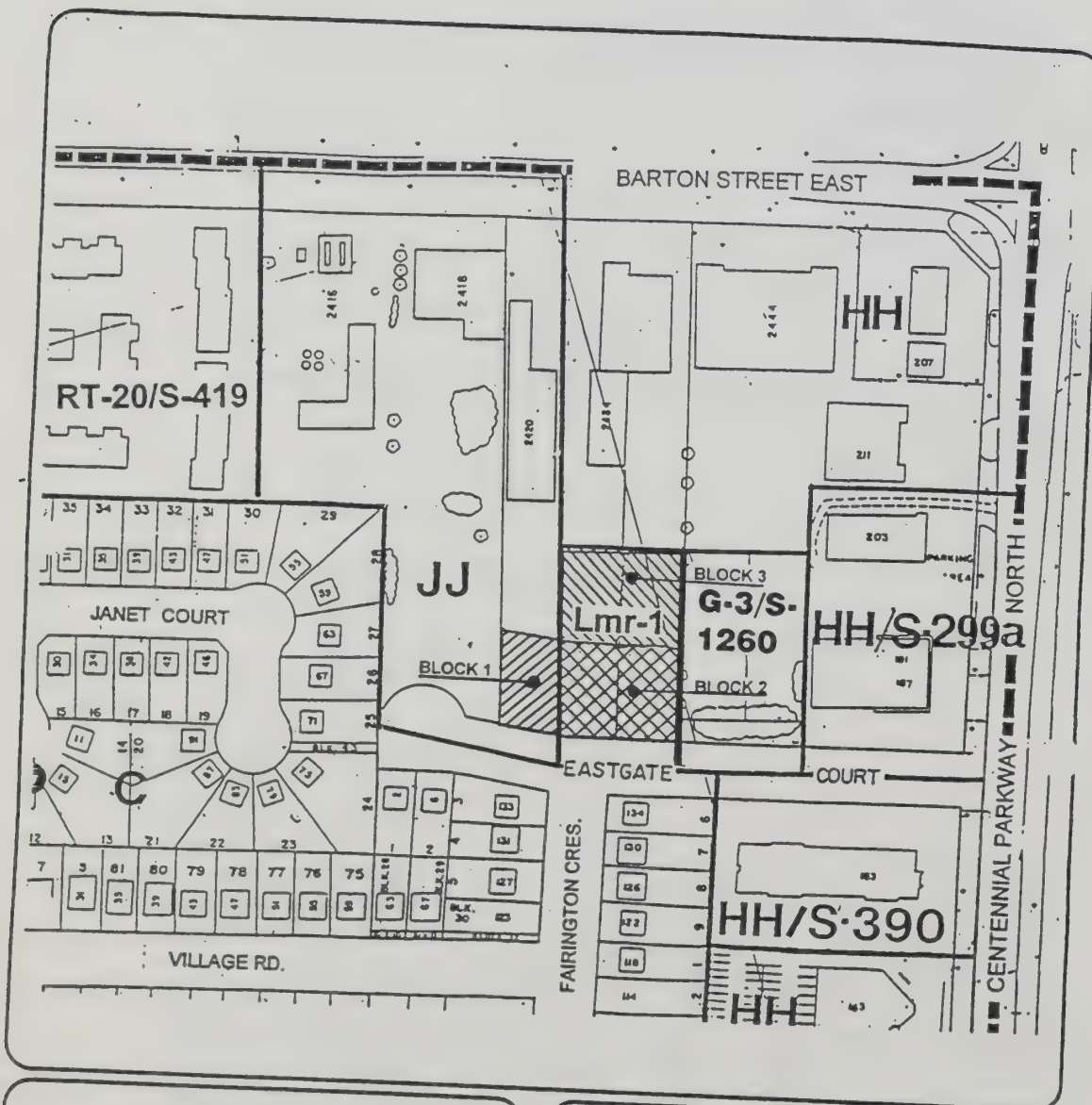
There being no further business, the Committee meeting adjourned.

Alderman F. D'Amico
Chairperson
Planning and Development Committee

Tina Agnello
Secretary

/jt

Appendix "A" as referred to in
Section 1(a) of the Planning and
Development Committee Minutes
dated 1998 October 7



Legend

Proposed change in zoning:

- BLOCK 1**
Modification to the "JJ" (Restricted Light Industrial) District
- BLOCK 2**
Modification to the "Lmr-1" (Planned Development) District
- BLOCK 3**
From "Lmr-1" (Planned Development) District to "HH" (Restricted Community Shopping and Commercial) District

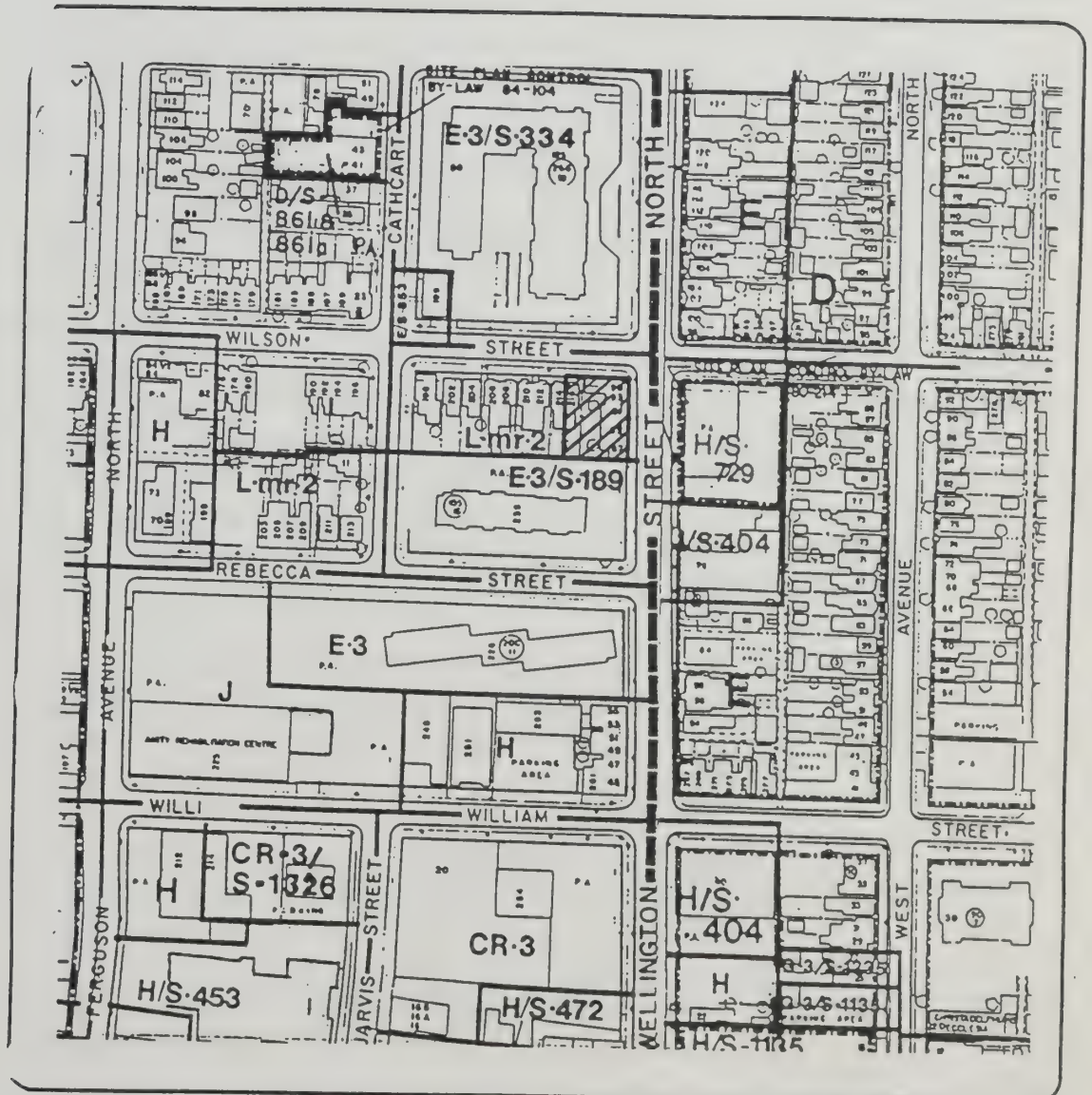
City of Hamilton

Location Map

Planning and Development Department

North 	Scale NOT TO SCALE	Reference File No. ZAC-98-23
	Date September, 1998	Drawn By B. B.

Appendix "B" as referred to in
Section 3(b) of the Planning and
Development Committee Minutes
dated 1998 October 7



Legend



Site of the Application

City of Hamilton

Location Map

Planning and Development Department

North



Scale
NOT TO SCALE

Date
January, 1998

Reference File No.
DA-98-04

Drawn By
R.L.

Appendix "C" as referred to in
Section 4 B.(ii) of the Planning and
Development Committee Minutes
dated 1998 September 29

171-826

LOCHEED DRIVE / MANSION COURT




B.

OCT 01 1998

(a) That approval be granted to the application of Fourth Real Properties Limited, (which holds a ninety-nine year Ground Lease from the City of the portion of Jackson Square known as the Standard Life Building, 120 King Street West), to a new first mortgage of the Ground Lease by our Lessee, as borrower, in favour of Royal Trust Corporation of Canada, Mortgagee, in an amount not exceeding \$56,900,000. at an interest rate not exceeding 7%, for a term of 10 years, subject to the following conditions:

- (i) That the tenant's new leasehold mortgage be subject to the rights of the City as Lessor under the Ground Lease dated 1981 June 1, entered into by the City as Lessor and Fourth Real Properties Limited (formerly Fourth Phase Civic Square Limited) as Lessee; and,
- (ii) That the tenant's new leasehold mortgage be a first mortgage in favour of Royal Trust Corporation of Canada, Trustee for The Standard Life Assurance Company; and,
- (iii) That Royal Trust Corporation of Canada and Fourth Real Properties Limited enter into and deliver to the City,
 - (1) the City's Lloyd D. Jackson Square "Consent to Mortgage Agreement", in which the Mortgagee agrees to be bound by the Ground Lease if it were to take over the Lease; and,
 - (2) an Undertaking to the City to abide by the obligations of Fourth Real Properties Limited under the Hotel Interface Agreement dated 1984 July 30; and,

- (iv) That the Mayor and City Clerk be authorized to execute the City's Consent Agreement in a form satisfactory to the City Solicitor. The Agreement shall be registered by the Lessee on title the premises leased from the City.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

The City is neither lending any funds nor assuming any debts, but is granting its approval as Landlord, to our long term Lessee borrowing funds from the Royal Trust Corporation of Canada secured by a mortgage of its leasehold interest to the lender.

BACKGROUND:

Under the 1981 June 1 Ground Lease between the City, as Lessor, and Fourth Real Properties Limited, as Lessee, of Jackson Square premises known as 120 King Street West, the Lessee's mortgages of its Lease are subject to approval of the City, as Lessor.

Fourth Real Properties Limited is re-organizing its existing leasehold mortgage in order that its rental rates will remain competitive in the office rental market. Under the proposed new leasehold mortgage, interest will be reduced from 10% to 7%, an early renegotiation fee increases the loan from 51 million to 56.9 million dollars, but the carrying costs are reduced significantly. No new funds are being advanced to the Tenant by Royal Trust.

The Real Estate Division, Clerk's Department, evaluated these proposed adjustments to our Tenant's leasehold mortgage and reported these will not impair the ability of the Tenant from continuing to meet its leasehold rent obligations to the City, its Landlord. As the financial details reviewed by the Real Estate Division were satisfactory, no additional input from the City Treasurer in respect of this application was required. Accordingly, it is recommended above that the City as Landlord grant approval to our Tenant's proposed new leasehold mortgage.

Under the above recommendation, the City's Tenant, as a condition of this approval, will be required (with its lender), to enter into the City's standard Mortgage Approval Agreement under which the lender formally confirms its obligation to comply with the City Ground Lease if it should ever take over the Lease, or if the lender exercises its right to assign the Ground Lease.

The Treasury Department confirms that rent under this Ground Lease due the City, including realty taxes, is in good standing.

PNJ/DAP/js

- c.c. J. J. Schatz, City Clerk
Attn: M.C.J. Watson,
Manager, Real Estate Division
- c.c. A. C. Ross, City Treasurer
Attn: T. Daw, Manager of Revenues

Ci)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
52 FRASER AVENUE - Tag Number 58-110392
(98.1.1.A)



RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 52 Fraser Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: D

PRESENT USE: Vacant Single Family Dwelling

PROPOSED USE: Vacant Lot

BRIEF DESCRIPTION: The owner of this property proposes to demolish the existing deteriorated single family dwelling and leave the land vacant with landscaping. This property is located in the Crown Point East Neighbourhood and is located in Ward 4 (please see attached neighbourhood map). LACAC interest. Lot size 7.62m x 27.43m.

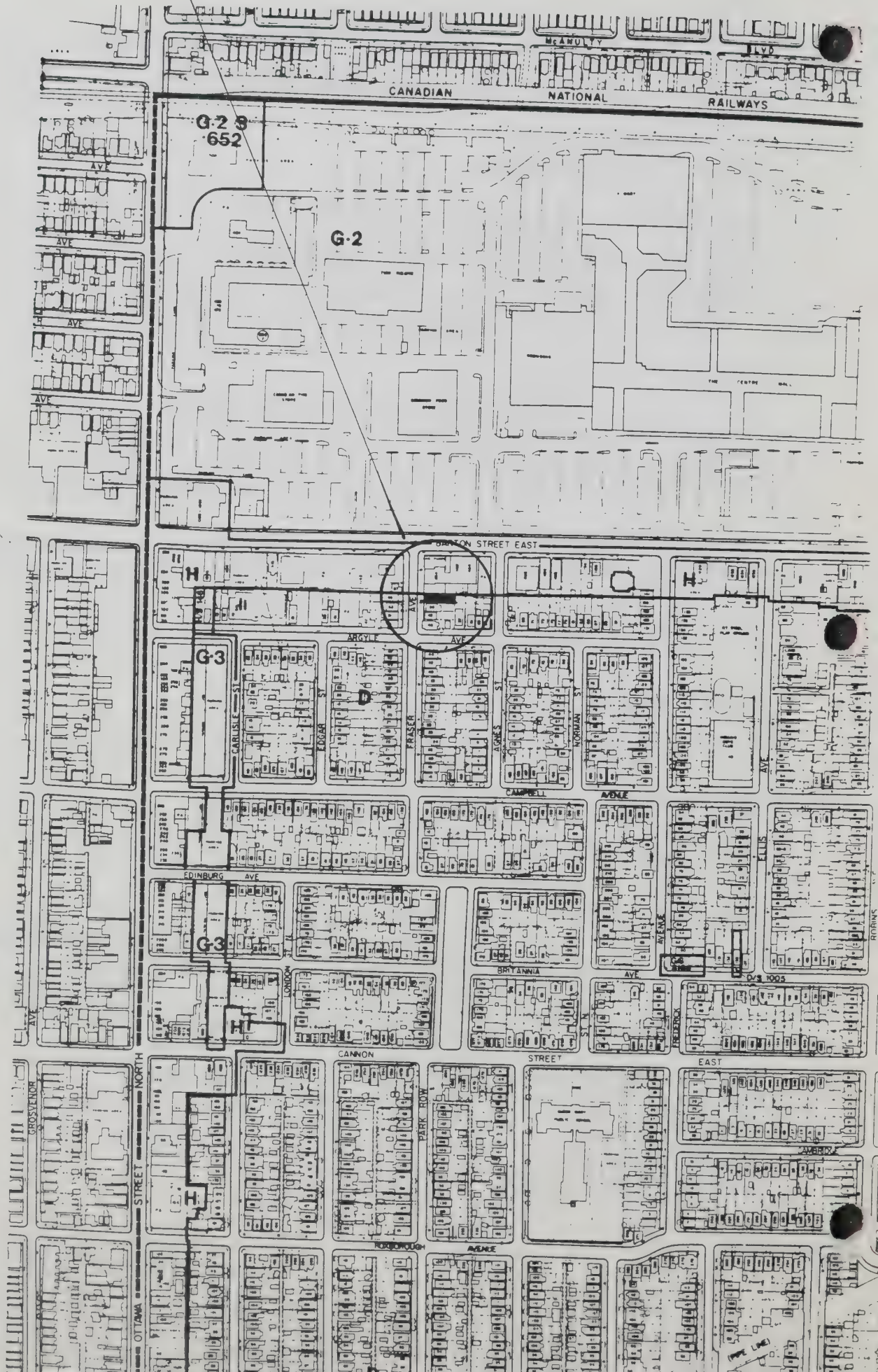
The owner of the property and applicant as per the demolition permit is:

1146620 Ontario Ltd.
79 Barton Street East
Hamilton, Ontario L8H 2V6

FP/zr



SUBJECT PROPERTY
52 FRASER AVE



Cii>

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 October 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
56 PETER STREET - Tag Number 98-110555
(98.1.1.A)



RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 56 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposed to demolish the existing 1-1/2 storey deteriorated single family dwelling and incorporate this property with the adjoining land. These lands are currently under a land severance application (B-97:41 to B-97:44) and a modified subdivision agreement to create nine (9) single family dwelling lots, however as of this date have not been finalized. The property is located in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood map). LACAC interest. Lot size 8.71m x 27.5m.

The owner of the property and applicant as per the demolition permit is:

New Horizon Homes
#310-69 John Street South
Hamilton, Ontario L8N 2B9



FP/zr



SUBJECT PROPERTY
56 PETER STREET

Ciii

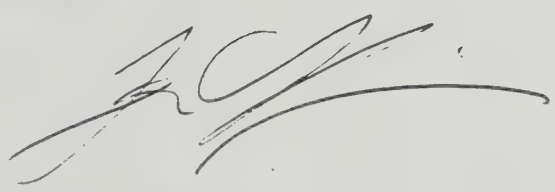
CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 October 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
58 PETER STREET - Tag Number 98-110539
(98.1.1.A)



RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 58 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

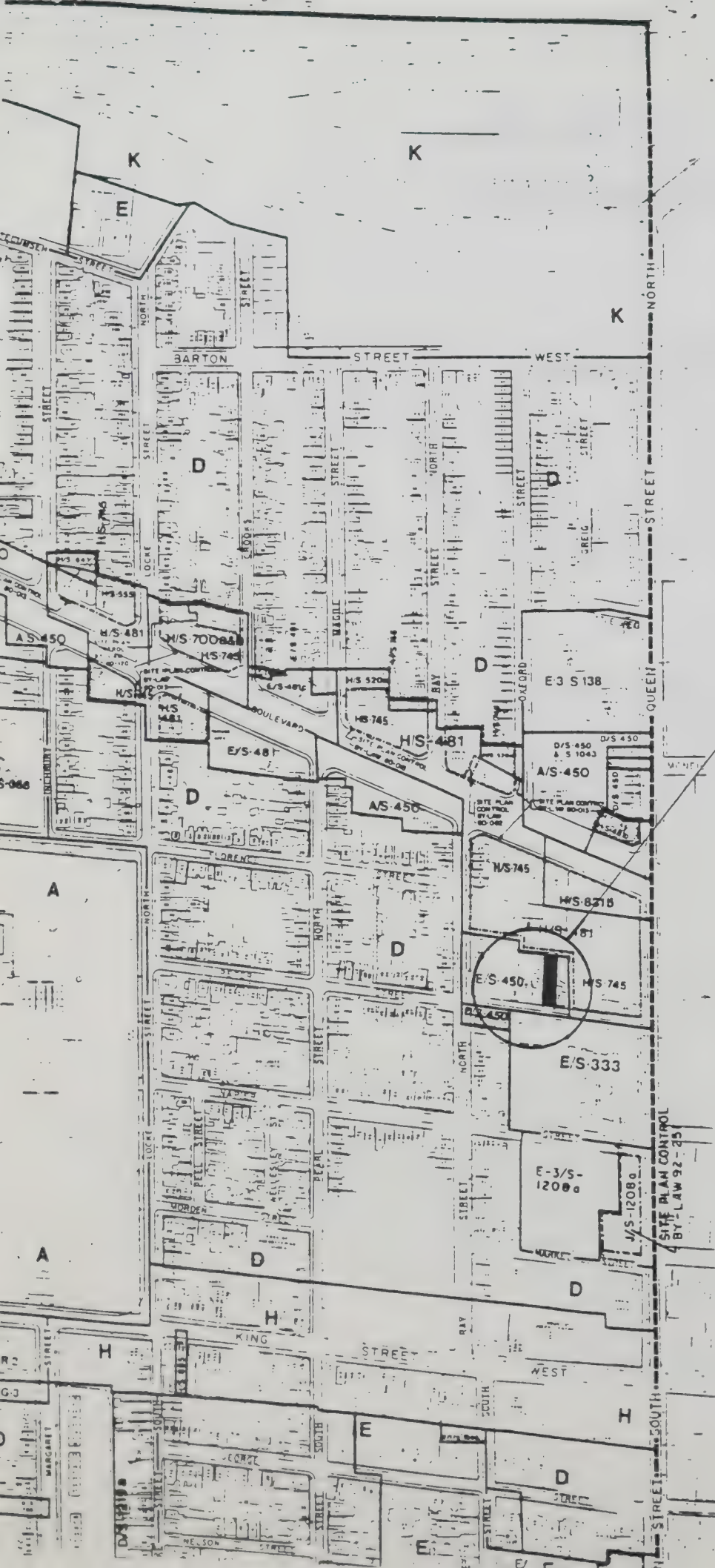
BRIEF DESCRIPTION: The owner proposed to demolish the existing 1-1/2 storey deteriorated single family dwelling and incorporate this property with the adjoining land. These lands are currently under a land severance application (B-97:41 to B-97:44) and a modified subdivision agreement to create nine (9) single family dwelling lots, however as of this date have not been finalized. The property is located in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood map). LACAC interest. Lot size 9m x 40.23m.

The owner of the property and applicant as per the demolition permit is:

New Horizon Homes
#310-69 John Street South
Hamilton, Ontario L8N 2B9

FP/zr





SUBJECT PROPERTY
58 PETER STREET

Civ)

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
62 PETER STREET - Tag Number 98-110552
(98.1.1.A)



RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 62 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E

PRESENT USE: Single Family Dwelling

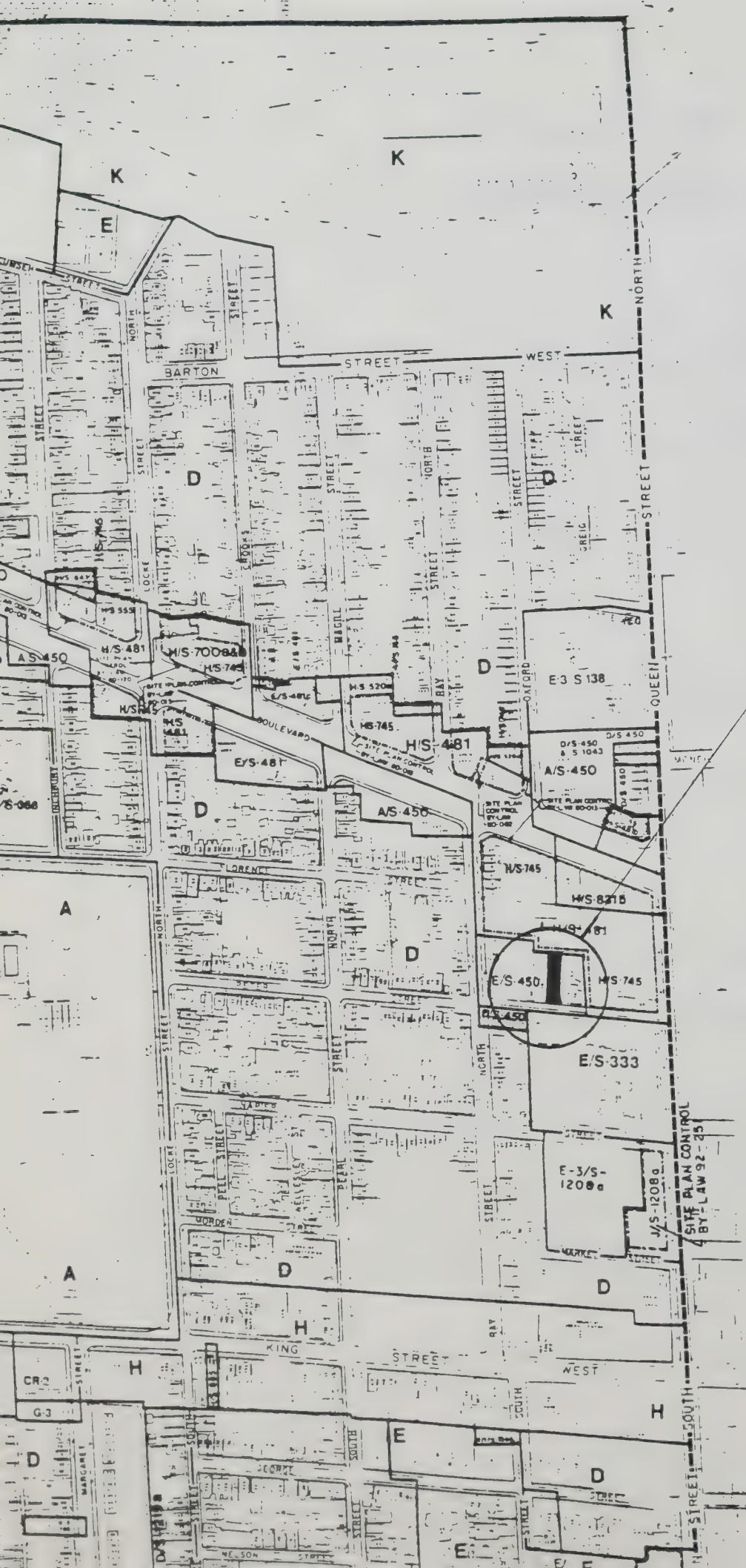
PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposed to demolish the existing 1-1/2 storey deteriorated single family dwelling and incorporate this property with the adjoining land. These lands are currently under a land severance application (B-97:41 to B-97:44) and a modified subdivision agreement to create nine (9) single family dwelling lots, however as of this date have not been finalized. The property is located in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood map). LACAC interest. Lot size 10.06m x 40.23m.

The owner of the property and applicant as per the demolition permit is:

New Horizon Homes
#310-69 John Street South
Hamilton, Ontario L8N 2B9

FP/zr



SUBJECT PROPERTY
62 PETER STREET

Cv)

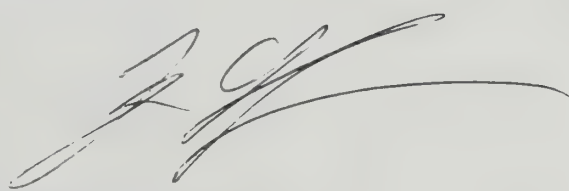
CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 October 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
66 PETER STREET - Tag Number 98-110548
(98.1.1.A)



RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 66 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposed to demolish the existing 1-1/2 storey deteriorated single family dwelling and incorporate this property with the adjoining land. These lands are currently under a land severance application (B-97:41 to B-97:44) and a modified subdivision agreement to create nine (9) single family dwelling lots, however as of this date have not been finalized. The property is located in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood map). LACAC interest. Lot size 10.06m x 40.23m.

The owner of the property and applicant as per the demolition permit is:

New Horizon Homes
#310-69 John Street South
Hamilton, Ontario L8N 2B9

 FP/zr

Cvi)

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 October 8

REPORT TO: Tina Agnello, Secretary
Planning and Development Committee

FROM: L.C. King, P. Eng.
Building Commissioner

SUBJECT: Demolition of:
68 PETER STREET - Tag Number 98-110547
(98.1.1.A)



RECOMMENDATION:

That the Building Commissioner be authorized to issue a demolition permit for 68 Peter Street in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act, as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS: N/A

BACKGROUND:

PRESENT ZONING: E

PRESENT USE: Single Family Dwelling

PROPOSED USE: Single Family Dwelling

BRIEF DESCRIPTION: The owner proposed to demolish the existing 1-1/2 storey deteriorated single family dwelling and incorporate this property with the adjoining land. These lands are currently under a land severance application (B-97:41 to B-97:44) and a modified subdivision agreement to create nine (9) single family dwelling lots, however as of this date have not been finalized. The property is located in the Strathcona Neighbourhood and is located in Ward 1 (please see attached neighbourhood map). LACAC interest. Lot size 7.62m x 20.12m.

The owner of the property and applicant as per the demolition permit is:

New Horizon Homes
#310-69 John Street South
Hamilton, Ontario L8N 2B9

 FP/zr



SUBJECT PROPERTY
68 PETER STREET

D.

CITY OF HAMILTON

- RECOMMENDATION -

DATE: 1998 October 1
S704-46 P. Strong

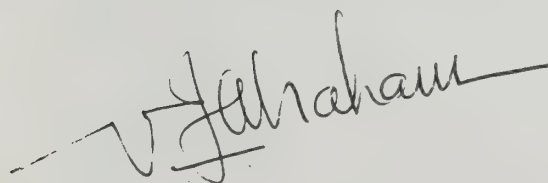
REPORT TO: T. Agnello, Secretary
Planning and Development Committee

FROM: V.J. Abraham, M.C.I.P.
Director of Planning and Development

SUBJECT: "Central Estates", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)

RECOMMENDATION:

- a) That the City of Hamilton accept the sum of \$ 13,200.00 as a cash payment in lieu of the 5% land dedication in connection with "Central Estates", Hamilton being the cash payment required under Section 51.1 of the Planning Act.



FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

There are no financing costs associated with this report.

cont'd...

Page 2

1998 September 28

**"Central Estates", Hamilton
(Cash Payment in Lieu of 5% Parkland Dedication)**

cont'd...

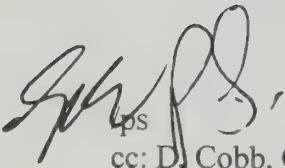
BACKGROUND:

The owner of Central Estates, (Homes by Malatesta and Malatesta Construction Limited) will be executing a Subdivision Agreement with the City of Hamilton in the near future.

In accordance with normal City procedure, City and Regional Staff have completed calculations for the cash payment in lieu of the 5% parkland dedication. The sum to be included in the subdivision agreement has been calculated to be \$ 13,200.00.

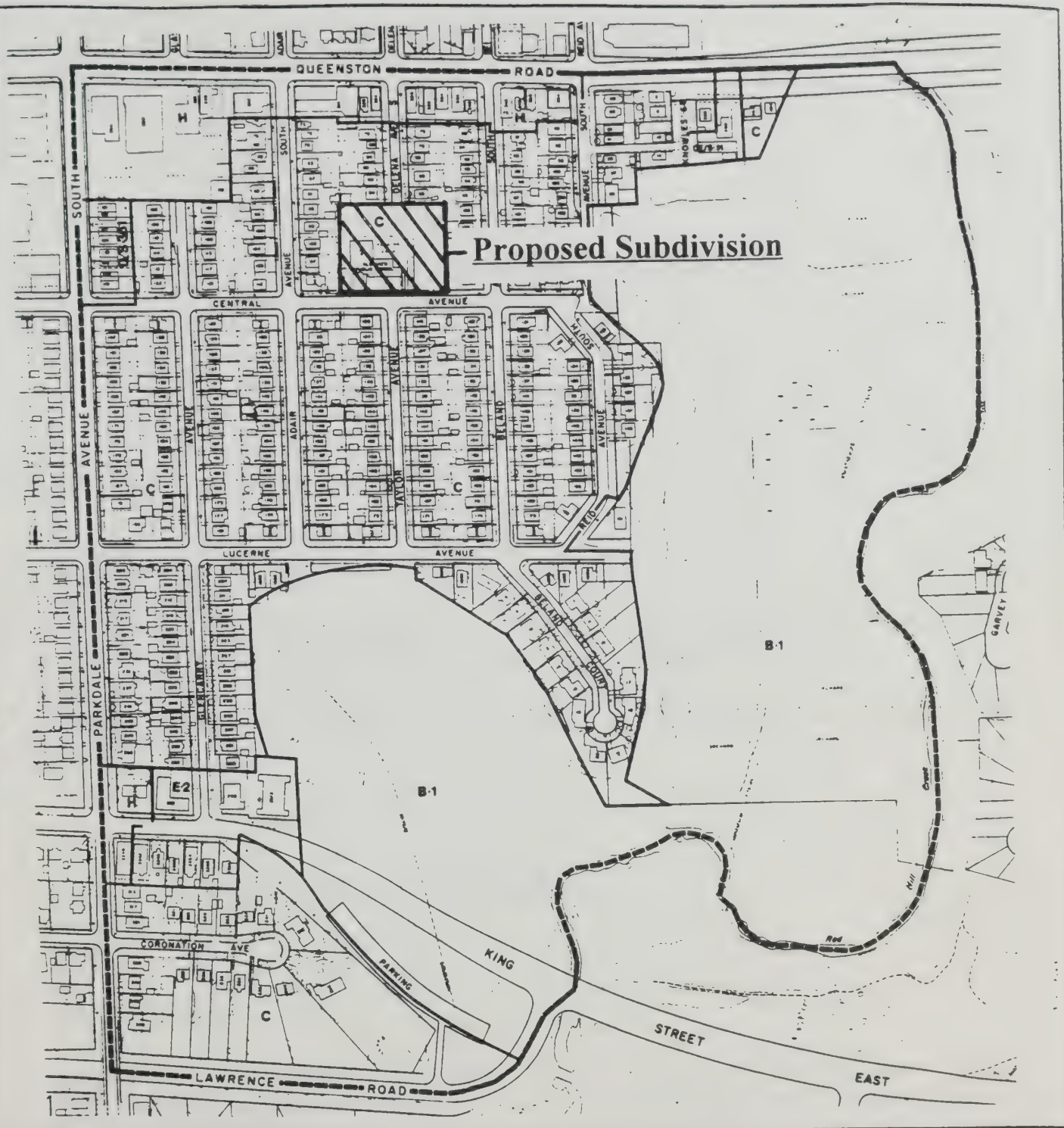
The lands of Central Estates are located south of Queenston Road in the Glenview East Neighbourhood. (see attached plan)

Note: The 5% parkland dedication or the cash in lieu of lands is a contribution by the developers. The money collected for the cash in lieu of lands is used for land acquisition, development and maintenance for park purposes.




cc: D. Cobb, City Treasury

cc: M. Watson, City Real Estate Department



LEGEND

 Subject Lands

KEY PLAN Central Estates

NORTH



NEIGHBOURHOOD
GLENVIEW EAST

DATE

September 9, 1998

FILE No.

S704-46



Regional Municipality of Hamilton-Wentworth
Environment Department, Development Division

E.

CITY OF HAMILTON
- RECOMMENDATION -

DATE: 1998 October 13

REPORT TO: Alderman F. D'Amico, Chairperson & Members,
Planning and Development Committee

FROM: Tina Agnello, Secretary
Planning and Development Committee

SUBJECT: Information Item

RECOMMENDATION:

That the following Information Item, which has been previously forwarded to members of the Committee under separate cover, be received for information purposes:

Director of Planning and Development re: Approved Site Plan Control Applications ,dated 1998 October 9

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

JMM

N/A

BACKGROUND:

The above-noted document has been sent out to members of the Committee and the applicable staff for information purposes and are being formally presented to the Committee in order to be officially received. Approval of this recommendation to receive this document will ensure that the circulation procedure is recorded for these matters.

CITY OF WASHINGTON

REGISTRATION

Page 12

Section 1. The Commission on the Status of Women, created by the Executive Order of the President of the United States, is hereby authorized to conduct a study of the status of women in the Federal Government and to report thereon to the President.

Section 2. The Commission shall submit its report to the President not later than the first day of January, 1961.

Section 3.

Section 4.

Section 5. The Commission shall submit its report to the President not later than the first day of January, 1961.

Section 6. The Commission shall submit its report to the President not later than the first day of January, 1961.

TRANSFERRING AND REPLENISHING

Page 13

Section 1.

The Commission on the Status of Women, created by the Executive Order of the President of the United States, is hereby authorized to conduct a study of the status of women in the Federal Government and to report thereon to the President.



 **ACCO USA**
WHEELING, ILLINOIS 60090
25971

MADE IN USA

0 50505 25971
BLACK/NOIR/NEGR

HAMILTON PUBLIC LIBRARY



3 2022 21334456 3